

AGENDA

Planning Committee

Date: **Wednesday 1 September 2010**

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:

Ricky Clarke, Democratic Services Officer

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Email: rclarke@herefordshire.gov.uk

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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 RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
4.	MINUTES To approve and sign the minutes of the meeting held on 11 August 2010.	1 - 6
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	7 - 10
7.	DMSW/100855/F - LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2 Proposed erection of polytunnels (retrospective).	11 - 28
8.	DMS/101334/CD - HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT Replace existing pre school nursery mobile accommodation with a new mobile in same location, and provide signage at pedestrian gate entrance.	29 - 34
9.	DMCE/100586/F- LAND AT WHITETHORN FARM, CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG Retention of two existing and siting of one further mobile home to be occupied by seasonal agricultural workers.	35 - 40
10.	DMN/101785/F- OUTBUILDING AT HARBOUR HOUSE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SE Conversion of outbuilding to residential dwelling.	41 - 46
11.	DATE OF NEXT MEETING Date of next site inspection Tuesday 21 September 2010 [to be confirmed] Date of next meeting Wednesday 22 September 2010	

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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 Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 11 August 2010 at 10.00 am

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

Councillors: ACR Chappell, H Davies, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, Brig P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, JE Pemberton, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors BA Durkin and PJ Edwards

22. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PGH Cutter, GFM Dawe and AP Taylor

23. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Jones CBE was a substitute member for Councillor PGH Cutter and Councillor MD Lloyd-Hayes was a substitute member for Councillor GFM Dawe.

24. DECLARATIONS OF INTEREST

There were no declarations of interest made.

25. MINUTES

RESOLVED: That the Minutes of the meeting held on 21 July 2010 be approved as a correct record and signed by the Chairman.

26. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers present at the meeting.

27. APPEALS

The Committee noted the report.

28. DMSE/100514/F - HOLMES GROVE, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UQ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mrs Foley, representing Linton Parish Council, and Ms Shaw, representing PrUB, spoke in objection to the application and Dr Murdoch, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor H Bramer, the local ward member, commented on a number of issues, including:

- The application was highly contentious and had resulted in a number of local objections.
- It was perceived that gypsies and travellers had preferential treatment in the planning process.
- The application was contrary to UDP policy H12 as the site was not a reasonable distance away from Gorsley.
- The application was also contrary to H12 due to the inadequate landscaping proposed and the visual impact of the site.
- The B4221 was a busy road with a 60mph speed limit and no lighting or footpath.
- Gorsley did not have a supermarket, dentist or doctor's surgery, all of these amenities were located in Ross on Wye which was a considerable distance away from the site.
- The removal of trees to aid visibility on exiting the site had resulted in a lack of screening, new screening would take some years to mature.
- There was clearly a requirement for gypsy sites within the county but they had to be in the right locations.

Members noted that the application had caused a considerable amount of interest within the local community. 66 letters of objection had been received by the Planning Department and Members stated that additional representations had been sent to them via email. Some Members noted that the emailed representations were of a similar nature and raised similar concerns.

Members noted that the applicant already owned a dwelling within a close proximity to the site and questioned the need for the log cabins. Concerns were also expressed in respect of condition 2 of the Officer's recommendation. Members noted that the cabins could be occupied by any person fitting the criteria of a gypsy or traveller; they felt that any approval should be restricted to the applicant and his family.

The committee felt that the proposed application would harm the rural character and appearance of the area. They also noted that the proposed landscaping would require a significant period of time to reach maturity and could therefore not provide timely or effective mitigation within a reasonable period. Due to these concerns the committee deemed that the application was contrary to Policies S1, S2, DR1, LA2 and H12 of the Herefordshire Unitary Development Plan in that the development failed to promote or reinforce the distinctive character of the locality.

The Committee had serious concerns regarding the sustainability of the site in terms of its accessibility to schools, medical facilities, and shops. It was noted that the nearest main village, Gorsley, was more than 2km away from the site and could only be accessed via the unlit and unpaved B4221. The Committee therefore felt that the application was contrary to the guidance set out in Circular 01/2006 and Policies S1, S6, DR2, DR3 and H12 of the Herefordshire Unitary Development Plan.

The Committee also noted that the application did not provide the required visibility splays and the proposal was therefore considered prejudicial to the highway safety on the adjoining B4221. Due to this issue Members felt that the application was contrary to Policies S6 and DR3 of the Herefordshire Unitary Development Plan.

During the debate Members expressed their concerns regarding the current shortage of gypsy / traveller pitches throughout the County. It was noted that there was a current shortfall of 83 pitches and Members felt that it was an issue that should be addressed as a matter of urgency by Cabinet. Members therefore moved a recommendation to request

that Cabinet address the shortage of pitches in consultation with local town and parish councils.

In response to a question, the Principal Planning Officer confirmed that a similar application at Marsh Farm had been refused by officers under delegated powers as Marsh Farm was a listed building and it did not have immediate access onto the B4221.

One Member of the Committee noted that the application site was adjacent to a golf course. They questioned why it was deemed acceptable to have a golf course and associated buildings in the area but not three log cabins. The Member added that log cabins did fit into the countryside and should be permitted.

In response to a question from the committee, the Principal Planning Officer confirmed that there would be provision for a touring caravan to be situated next to each of the cabins. He also confirmed that there was no limit to the number of touring caravans permitted on the site but added that this matter could be controlled through an appropriate condition. In response to a further question regarding the access to the site, he confirmed that the Traffic Manager would have taken into account the length of a vehicle towing a touring caravan whilst considering the visibility splay.

Councillor Bramer was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his concerns in respect of the application and it being contrary to Policy H12 of the Unitary Development Plan.

Having carefully considered all the facts presented about the application, the Committee decided that notwithstanding the views of the officers, there were sufficient grounds within the Council's planning policies for the application to be refused.

RESOLVED THAT:

- (a) Cabinet be recommended to address the shortage of 83 gypsy/traveller pitches throughout the county within 12 months in consultation with local town/parish councils and travellers representatives.**
- (b) the application be refused on the following grounds:**
 - (i) the proposed log cabins, together with the associated hardstanding and other domestic paraphernalia would harm the rural character and appearance of the area. The local planning authority considers that the proposed landscaping would require a significant period to reach maturity and could not provide timely or effective mitigation within a reasonable period. As such the proposal is considered contrary to Policies, S1, S2, DR1, LA2 and H12 of the Herefordshire Unitary Development Plan 2007 in that the development fails to promote or reinforce the distinctive character of the locality;**
 - (ii) the application site is not considered sustainable in terms of its accessibility to schools, goods and other services. The site is more than 2km from the nearest main village (Gorsley), access to which is via the unlit and unpaved B4221. The local planning authority considers it unlikely that journeys to and from the site would be undertaken either on foot or cycle and concludes that development would reinforce reliance upon the private motor vehicle as the principal means of transport and would fail to promote integrated co-existence between the site and the local community. For these reasons the proposal is considered contrary to the guidance set out**

in Circular 01/2006 and Policies S1, S6, DR2, DR3 and H12 of the Herefordshire Unitary Development Plan 2007; and

- (iii) the application as submitted does not provide the requisite 2.4m x 150m visibility splays and the proposal is thus considered prejudicial to the highway safety on the adjoining B4221, a busy highway subject to the national speed limit. The application is thus considered contrary to Policies S6 and DR3 of the Herefordshire Unitary Development Plan 2007.

29. DATE OF NEXT MEETING

Members noted the dates of the next meeting and provisional site visit.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.10 am

CHAIRMAN

PLANNING COMMITTEE

11 August 2010

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

1 DMSE/100514/F - CHANGE OF USE OF LAND - THREE LOG CABINS FOR OCCUPATION BY GYPSIES/TRAVELLERS TOGETHER WITH PACKAGE TREATMENT PLANT AT HOLMES GROVE, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UQ

For: Mr Tapsell Per Dr Angus Murdoch, Po Box 71, Ilminster, Somerset, TA19 0WF

ADDITIONAL REPRESENTATIONS

Linton Parish Council has asked that its comments be reproduced in full:

Linton Parish Council does not support this application. Although a reduction has now been made in the number of buildings required by the developer it still does not comply with a number of policies within the UDP.

Paragraph 5.5.24 of H12 states, "Permanent dwellings on Gypsy/Traveller sites will only be permitted in locations where such proposals would accord with other housing policies of this Plan" We suggest that this proposal does not accord with Policies H7, DR1, LA2 and LA5. Clearly the cabins are intended to be permanent and residential and therefore cannot be regarded as being for "Nomadic Use" as stated on the application.

These large wooden buildings with corrugated metal roofs, set on concrete blocks, with large area of hard standing, conflict with the character and appearance of the surrounding land and as such are a departure from planning policy. We do not believe there are any further material considerations for us to take into account that would allow such a departure from planning policy and trust that this application will be refused.

For the record, Linton Parish already has a Travellers site.

A further letter of objection has been received from Mr Attenborough, Rawmarsh Cottage, Linton. It raises no further material planning issues.

CHANGE TO THE DESCRIPTION

The description of development has been changed to refer to occupation by Gypsies/Travellers instead of "residential nomadic use" with reference to the inclusion of the package treatment plant for foul drainage.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application No. DMSE /100399/F

- The appeal was received on 22 July 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by M F Freeman
- The site is located at Penrice, Walford Road, Ross On Wye, Herefordshire, HR9 5PQ
- The development proposed Demolition of existing residential property & construction of 14 no. apartments associated carparking, landscaping and access
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior on 01432 261932

Application No. DMNE/091943/FH

- The appeal was received on 3 August 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr C Gardner
- The site is located at Jacobs Cottage, Halmonds, Frome, Bishops Frome, Worcester, Herefordshire
- The development proposed is Demolition of existing single and two storey extensions, construction of new extension. complete refurbishment of original timber framed building (grade II listed)

Further information on the subject of this report is available from the relevant case officer

- The appeal is to be heard by Hearing

Case Officer: Carl Brace on 01432 261795

Application No. DMNE /091944/L

- The appeal was received on 3 August 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr C Gardner
- The site is located at Jacobs Cottage, Halmonds, Frome, Bishops Frome, Worcester, Herefordshire
- The development proposed is Demolition of existing single and two storey extensions, construction of new extension and complete refurbishment of original timber framed building. (grade II listed)
- The appeal is to be heard by Hearing

Case Officer: Carl Brace on 01432 261795

Application No. DMNW /093215/F

- The appeal was received on 4 August 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Dr D Pacy
- The site is located at Grange House School, Marston, Leominster, Herefordshire, HR6 9JA
- The development proposed is Conversion of existing school premises to residential dwelling
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

APPEALS DETERMINED

Application No. DMNC/092844/O

- The appeal was received on 30 June 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Ms Nikki Harrison
- The site is located at Port House Farm, Tenbury Road, Bromyard, Herefordshire, HR7 4LW
- The application dated 5 January 2010, was refused on 17 March 2010
- The development proposed was Proposed erection of 175 dwellings with garages, sports pavilion and pitches, community/youth building, landscaping and associated works
- The main issues include:
 - The proposals included new residential development beyond the identified housing land allocation
 - A lack of information with regard to the transfer and maintenance of the proposed sports pitches
 - Potential overloading of the public sewerage system
 - The unsuitability of the proposal to provide all affordable housing in a single location
 - Insufficiently detailed information regarding highway surveying work and the requisite improvements that were likely to be required

Decision: The appeal was Withdrawn on 23 July 2010

Case Officer: Andrew Banks on 01432 383085

Application No. EN2009/0914/ZZ

- The appeal was received on 2 February 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Charles Smith
- The site is located at The Deep Litter Shed, Eccles Green, Norton Canon, Hereford, HR4 7BH
- The breach of planning control alleged in this notice is Without planning permission the unauthorised material change of use of agricultural land to a use for the stationing of a caravan for residential purposes, together with associated operational development in form of the construction of a driveway, turning area and erection of a storage shed
- The requirements of the notice are :
 - 1) Plant a replacement hedgerow 16.6 metres in length in the location of the removed section of hedgerow in the northwest boundary. Plant 100 number of shrubs in total. Hedging plants are to be 600-800 mm high bareroot, healthy and vigorous transplants to be planted in a double staggered row, 400mm apart, and 6 plants per linear metre. The species mix as follows: Hazel/Corylus avellana 50% (50 shrubs) Hawthorn/Crataegus monogyna 20% (20 shrubs) Blackthorn/Prunus spinosa 14% (14 shrubs) Holly/Ilex aquifolium 11% (11 shrubs) Dog rose/Rosa canina 5% (5 shrubs)
 - 2) Permanently cease the residential use of land subject to this notice and
 - 3) Permanently remove the caravan and portable toilet from the land
 - 4) Demolish the wooden storage shed and remove all resulting material from the land subject of this notice
 - 5) Take up all hardsurfacing and remove from the land
 - 6) Restore the land to its previous agricultural condition by levelling the earth and reseeded with grass
- The main issues are:
 - 1) Whether the site is in a sustainable location;
 - 2) The impact on the character and appearance of the countryside;
 - 3) The impact on biodiversity interest especially the Special Wildlife Site;
 - 4) The effect on highway safety on A480 road
 - 5) The need for gypsy sites in the area and pitch availability – both public and private sites.

Decision: The appeal was Allowed, the enforcement notice is quashed
Planning permission is granted in terms set out in the Formal decision
(issued on 28 July 2010)

Case Officer: Philip Mullineux on 01432 261808

Application No DCNC2009/0748/F

- The appeal was received on 6 April 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Colin Brant
- The site is located at The Paddocks, Normans Lane, Stoke Prior, Leominster, Herefordshire, HR6 0LQ
- The application dated 30 March 2009, was refused on 23 October 2009
- The development proposed was 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
- The main issues are: the effect of the proposal on the character and appearance of the surrounding countryside; whether or not the site is reasonably located in relation to services and facilities; and the general need for, and provision of, gypsy and traveller sites in the area

Decision: The application was refused by Committee contrary to Officer Recommendation
The appeal was Allowed on 11 August 2010.

Case Officer: Nigel Banning on 01432 383093

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



MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	<p>DMSW/100855/F - PROPOSED ERECTION OF POLYTUNNELS (RETROSPECTIVE) AT LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2</p> <p>For: A J & C I Snell per Mr Andrew Murphy, The Courtyard, 9 Timothy's Bridge Road, Stratford-Upon-Avon, Warwickshire, CV37 9NP</p>

Date Received: 15 April 2010

Ward: Pontrilas

Grid Ref: 351054,228005

Expiry Date: 1 September 2010

Local Member: Councillor RH Smith

Background

- 1.1 By way of an introduction to this application, Members will be aware that the Council operated a voluntary code of practice for soft fruit growers in relation to polytunnel developments between 2003 and 2006. Once the law in respect of polytunnels was clarified, following the Tuesley Farm case, and the operation of that code ceased, negotiations were sought with all of the major growers with a view to planning applications being submitted.
- 1.2 The planning application seeks to regularise the erection of polytunnels (polytunnels have been rotated within the application site since 1995) and has been the subject of a formal screening opinion under the Environmental Impact Assessment Regulations. It was determined that an Environmental Impact Assessment was required in this instance. The scope of the Environmental Statement (which incorporates the Statement of Community Consultation) covers the following topic areas:-
- (a) traffic and transport (including impacts upon Public Rights of Way);
 - (b) residential amenity;
 - (c) ecology and nature conservation (an Ecological Survey accompanies the application);
 - (d) archaeology and cultural heritage;
 - (e) landscape impact (a Landscape and Visual Impact Assessment accompanies the application);
 - (f) flood risk and water resources (a Flood Risk Assessment and Water Resources Evaluation accompanies the application) and
 - (g) socio-economic impacts

Site Description and Proposal

- 1.3 The application site lies to the south of Hereford and comprises three separate zones which together comprise a total area of 158 hectares within which it is proposed to erect a maximum of 55 hectares of polytunnels. The three zones are all to the west of the A49 road on land which generally slopes down in a westerly direction. The A49 constitutes the eastern edge of the Wye Valley Area of Outstanding Natural Beauty (AONB). There are no listed buildings within the application site itself but there are a number that lie adjacent to it. Harewood End Wood is designated as Ancient Woodland and is located some 550 metres from the application site and on the northern side of the A49.
- 1.4 Zone 1 (Court Farm, Much Birch) is the northern most area for production and amounts to 52.3 hectares gross within which a maximum of 20 hectares of polytunnels would be erected. Access is taken off the A49 close to the village hall at Much Birch and GP surgery. The adopted road continues south westwards as a public footpath. The area identified for the erection of polytunnels is to the east and west of this track. The track then kinks south eastwards before joining the B4348 road. The Gamber brook is on the opposite side of the B4348 road. The land at Court Farm is leased and also is the site of a range of poultry units mid-way between the B4348 and the A49. There is a ridge along the western side of Zone 1 which screens the site in views from the west (i.e from Tump Lane and Wormelow).
- 1.5 Zone 2 (Windmill Hill Farm and Netherton Farm) extends to 63.7 hectares within which a maximum of 25 hectares of polytunnels would be erected is the most intensively used zone and is also the most visible from the A49 which passes the northern side of the site. The frontage and main access serving the packhouse and headquarters for the enterprise affords southward views into the site. There is a hedgerow across the entrance to the packhouse which only partially screens the polytunnels closest to the trunk road. Marsh Lane, an unclassified road, skirts the western side of Zone 2. There is a public footpath that leads off eastwards across this area. This widened footpath provides access for vehicles and pedestrian traffic. Another footpath which leads southwards from The Marsh crosses wildlife ponds before joining an unclassified road north-west of Pencoyd. These ponds at The Marsh are designated as a Special Wildlife Site.
- 1.6 The smallest and most recently extended area is Zone 3 (Pencoyd Court Farm and Trevasse Farm) which amounts to 42 hectares of which 10 hectares would be under polytunnels during any season. It is to the south of Zone 2 and comprises three blocks of land. These comprise a block on which the applicant's property is located, a well screened block of land and a block to the south-west of Pencoyd Court Farm which is hedgerow fringed on four sides, but which is visible from views from the A466 to the east. There are no public footpaths crossing any of the three blocks comprising Zone 3.
- 1.7 Strawberries, raspberries, blackberries and blackcurrants are cultivated across the 3 Zones with the vast majority being grown under polytunnels that would be rotated within each zone. However an area of 6.8 hectares of table-top production is proposed in Zone 2 immediately to the east of Marsh Lane and adjacent to a range of existing poultry units.
- 1.8 The proposal under consideration involves the continued use and rotation of existing polytunnels and as such the application is retrospective.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 4	-	Planning for Sustainable Economic Growth
Planning Policy Statement 5	-	Planning for the Historic Environment
Planning Policy Statement 7	-	Sustainable Development in Rural Areas
Planning Policy Statement 9	-	Biodiversity and Geological Conservation
Planning Policy Statement 13	-	Transport
Planning Policy Statement 25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
DR7	-	Flood Risk
DR13	-	Noise
T6	-	Walking
T8	-	Road hierarchy
E13	-	Agricultural and Forestry Development
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character
LA3	-	Setting of Settlements
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
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 Flora and Fauna
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH3	-	Scheduled Ancient Monuments

2.3 Polytunnels Supplementary Planning Document Adopted 5 December 2008.

2.4 Landscape Character Assessment Supplementary Planning Document Adopted 2004 (updated 2009).

3. **Planning History**

3.1 DCSW2003/3759/F - Soft fruit packhouse facility, together with new entrance and security fencing - Approved 18 March 2004

3.2 Whilst the wider site has an extensive planning history the only previous application directly related to the polytunnel development was an application for a Certificate of Lawful Development in respect of polytunnel development that was refused on 14 December 2005.

4. Consultation Summary

- 4.1 Highways Agency has no objections, so long as the polytunnels are properly secured
- 4.2 Environment Agency has no objections and recommends that conditions be attached in relation to surface water drainage.
- 4.3 Natural England has no objections, noting that impact from AONB is not adverse given it is limited by the A49 ridgeline and by wind-breaks. The incidental siting of table top polytunnels adjacent to the Special Wildlife Site is welcomed since it will help reduce run-off into this non-statutory site. Impacts on footpath users are not considered to be adverse in the long term.
- 4.4 Central Networks has no objections.

Internal Council Advice

- 4.5 The Public Rights of Way Manager does not object to the application.
- 4.6 The Conservation Manager (Ecologist) does not object to the application subject to the imposition of conditions relating to additional landscaping mitigating the impact of polytunnels.
- 4.7 The Conservation Manager (Senior Landscape Officer) does not formally object to the application but comments that additional mitigation should be incorporated. She concurs that the zone of visual influence of the development is to the west of the A49 and as such there is no impact upon the Wye Valley Area of Outstanding Natural Beauty.

It is commented that the polytunnels in Zone 1 and part of Zone 3 are the most prominent whilst those in Zone 2 are generally less visible and that the most significant impact is from Marsh Lane towards Zone 3.

On the issue of cumulative impact her comments recognise that it is only from a limited number of vantage points that all 3 Zones can be seen in combination, with the key one being in elevated positions from Orcop and Garway Hill where they are seen within the wider landscape and as such do not appear as a very dominant feature.

Whilst the impact upon the Public Rights of Way, in her view, is downplayed, it is ultimately concluded that the recommended buffer zones set out in the SPD are maintained across the whole development.

In conclusion, the approach to mitigation measures identified is accepted as appropriate but greater consideration should be given to the need to restore the partially degraded landscape through the introduction of new cross field hedgerow in parts of Zones 1 and 3.

- 4.8 The Conservation Manager (Historic Buildings Officer) does not object to proposal having regard to the setting of adjacent listed buildings.
- 4.9 The Land Drainage Manager states that active management regarding run-off is required to achieve the equivalent of a Greenfield run-off from the site. A history of localised blockages of water courses and culverts is referred to in his comment together with a recommendation that silt traps need to be employed to prevent suspended material from causing obstructions.
- 4.10 The County Archaeologist has no objections.
- 4.11 The Traffic Manager raises concerns regarding traffic movements and improvements to highways and in relation to the junction with A49 by Coronation Cottage and run-off onto the B4348 road.

5. Representations

5.1 Objection letters or e-mails have been received from twelve households. In summary, the objections are on the following grounds:-

- the economic benefits alleged to accrue from the development are questioned
- polytunnel coverage has had a negative impact upon the County as a tourism destination
- the amount of polytunnel coverage is excessive and should be limited
- request 30 metres buffer-zone
- more rotation on fields F and G (Zone 2) and 2 year respite
- detrimental impact not mitigated when hoops remain
- the polytunnel development has detrimental impact on view from listed building seen from AONB
- same impact as industrial buildings
- need less shiny plastic, duller shades and green in colour
- need airborne perspective
- sheeting has blown onto A49
- if approved, make time limited, not permanent
- dust produced a nuisance
- impact on footpaths
- additional vehicular movements constitute rat runs in locality
- the community consultation exercise undertaken by applicant was inadequate
- application submitted not voluntarily as stated by applicant
- grow more blackcurrants as tunnels are not required
- influx of migrant workers and lack of resources
- will deprive wildlife habitats
- give weight to local objections as opposed to non-local businesses

5.2 The Council for the Protection for Rural England state that the development will have an adverse impact on the AONB, mitigation will not overcome this impact and indeed will worsen. Also impact on Gamber brook. Noise and traffic also generated by development.

5.3 Letters of support and conditional support have been received from eleven households in the locality and a fruit growing organization. The main issues raised can be summarised as follows :

- encourage local produce; reduces food miles
- Meeting demands of retail industry
- Assists a number of local businesses
- Cannot be developed profitably without polytunnels
- Countryside needs to pay its way
- Not intrusive in landscape
- Tunnels within view, but not considered adverse
- Biodiversity assured with maintenance of significant margins and uncropped areas
- Tidy and well managed
- Ninety per cent of soft fruit grown is British grown in season

5.4 The County Land Association support the application and state that there are a number of full time workers employed at the Packhouse.

5.5 Sixty six letters of support have been received via the applicant. These letters are from national growers and local businesses associated with the development proposed.

- 5.6 Much Birch Parish Council states that the polytunnels are away from residents which is beneficial and that there will be a boost to the local economy and therefore support is given.
- 5.7 Llandinabo, Llanwarne, Pencoyd, Tretire with Michaelchurch, Much Dewchurch, Little Birch, Harewood and Hentland Parish Councils have no objections.

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 application has wide ranging policy implications and by its very nature requires careful consideration of the balance between the acknowledged environmental impacts (most notably but not exclusively upon the character and appearance of the countryside) and the economic benefits associated with the production of soft fruit.
- 6.2 This appraisal seeks to address these wide ranging issues by reference to the Council's adopted Polytunnels Supplementary Planning Document and accordingly the format of the appraisal, where relevant to the application, largely reflects this document.

Economic Benefits (Supplementary Guideline 1)

- 6.3 Polytunnels have enabled greater quantities and better quality of soft fruit to be produced. The success and viability of businesses such as the applicant's enterprise have made a positive contribution to the rural economy.
- 6.4 Planning policies at national and local levels recognise the importance of the agricultural sector. Planning Policy Statement 7 in particular advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Clearly to counter this, the need to protect the character of the countryside for its own sake is also recognised.
- 6.5 Policy E13 of the Unitary Development Plan deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.
- 6.6 Polytunnels have two main benefits to British growers:-
- They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest-time, unconstrained by the weather; and
 - They extend the growing season, allowing fruit to be harvested from May to November instead of being limited to the traditional June/July period. No additional heating or lighting is used to extend the growing season.
- 6.7 According to the national soft fruit trade association and a fruit marketing company, British strawberry and raspberry production has increased more than five-fold since 1996; most of that growth being attributed to the use of polytunnels. Ninety per cent of strawberries and 98% of raspberries are now grown under polytunnels, compared with no raspberries and 4% of strawberries ten years ago. The use of polytunnels has allowed the applicant and other growers to supply a growing demand for fresh fruit in response to national healthy eating campaigns.
- 6.8 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). For instance, until recent years fruit was air-freighted from California as the main source of late summer and early autumn soft fruit, but those imports have been eliminated. Nationally, it is calculated that import substitution in 2007 is valued at £110 million. The contribution of applicant's business must be a small percentage of this national figure, but nonetheless, it is considered that weight can be attributed to its share to the overall success.

- 6.9 Soft fruit picking and packing is a labour intensive activity, and it is accepted that the expansion of the applicant's business has made a positive contribution to the rural economy. Seasonal labour is recruited mostly from Eastern European Countries under the Home Office approved Seasonal Agricultural Workers Scheme. The seasonal workers are accommodated in caravans which are to be the subject of a planning application yet to be submitted. It would be premature to determine such an application in advance of this one as the need for seasonal worker accommodation only arises from the polytunnels. The seasonal workers spend a proportion of their wages locally making a positive contribution to the local economy.
- 6.10 In addition, to the above it is clear that the applicant's business purchases goods and services in the UK, helping to support jobs in supplier companies. Whilst some of these suppliers may be national businesses, the planning application is accompanied by letters of support from local agricultural suppliers that benefit directly from the success of this soft fruit enterprise.
- 6.11 Therefore, having regard to this enterprise, it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased quantities and qualities of soft fruit; the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters to which considerable weight should be accorded in the balance of considerations.

Environmental Impacts (Supplementary Guidelines 2, 3, 4, 5, 6 & 7)

- 6.12 Although it is considered that economic benefits accrue, this does not mean that polytunnel development should be allowed at any environmental cost. These environmental considerations will be addressed in the remainder of this appraisal.

Landscape Visual Impact

- 6.13 The site is not within the Wye Valley AONB, but it is adjacent to it. This is an important distinction since within areas with a special landscape designation priority is normally afforded to the landscape over other planning considerations. Notwithstanding this, its proximity to the AONB is a material consideration. In this case it is considered that there will be no adverse impact upon the AONB by reason of the topography and specifically the ridgeline defined visually by the route of the A49 along the northern boundary of the application site. This judgement is supported by the comments received from Natural England and the Conservation Manager. In this context it is considered that the proposal satisfies the requirements of Policy LA1 of the Herefordshire Unitary Development Plan.
- 6.14 In terms of the impact upon the character of the countryside, the focus of attention when considering landscape impact views is upon views from public vantage points such as the public highway and public rights of way. It is not the purpose of the planning system to safeguard private interests or views from individual dwelling houses. Where the development results in a loss of a private view but does not have a direct impact upon residential amenity by way of matters such as loss of sunlight, loss of daylight, loss of privacy or undue massing by reason of proximity and height, it is not considered to be a material planning consideration.

- 6.15 The application site falls within the landscape type Sandstone Farmlands as identified in the Landscape Character Assessment. The key characteristics of this landscape type are fields which are divided by straight, single species hedgerows, horticultural/arable land use. It is a large scale landscape characterised by a dispersed settlement pattern.
- 6.16 The zone of visual influence is primarily to the west of the A49, because of the topography of the area.
- 6.17 More specifically, it is considered that the polytunnels in Zone 1 are visually the most prominent in the wider landscape although part of Zone 3 (the southern most block of land) is also prominent. However, it is considered that the impact is localised when approaching the site from the west after leaving the A466. In longer distance views, Zone 1 is viewed from Orcop Hill and Garway Hill and from these vantage points, the impact of these areas of polytunnels are mitigated by being read within a much wider area of expansive countryside. The three zones cannot generally be viewed together given the distances between them and since Zone 2 is relatively well screened by poplar trees and windbreaks from the vantage points of Orcop Hill and Garway Hill.
- 6.18 The landscape and visual appraisal which accompanied the application identifies two particular views where the impact would be at its greatest, namely, a view east/south-east from Marsh Lane towards Zone 3, which is elevated in relation to the vantage point and the view north from Pencoyd towards Zone 2. In the context of the overall scale of the proposal and its generally successful integration into the landscape, these are considered to be isolated viewpoints which when related to three distinct areas of polytunnels are not so harmful as to represent sufficient grounds for refusal.
- 6.19 The footpaths which bisect Zones 1 and 2 afford close views of polytunnels. These footpaths are sited away from the edges of polytunnels and buffer zones recommended in the SPD are proposed. On a more general point it is concluded that the amenity of footpath users has been reduced overtime as a result of the removal of hedgerows and it is considered that the mitigation should incorporate more planting than currently envisaged in the submitted application. This requirement is recognised in the recommendation set out below.
- 6.20 Mitigation is required for prominent views between zones in the form of planting of cross field hedgerows thereby restoring the landscape character and amenity of the landscape. The additional measures need to be time limited and more specific and this requirement is reflected in the recommendation below.

Setting of Listed Buildings and Scheduled Ancient Monuments

- 6.21 There are a number of listed buildings that are located adjacent to the application sites which lie between 70 and 290 metres from its edge. The nearest is Harewood Park Lodge which is on the north side of the A49. It is considered that the relative distances, the local topography, established landscaping and in a number of cases the presence of intervening buildings is such that there will be no adverse impact upon the setting of these listed buildings. This position is supported by the Conservation Manager who raises no objection in relation to the impact upon listed buildings or indeed the conclusion that there is no impact upon any archaeological interest.
- 6.22 Subject to the further enhancement of the proposed landscape mitigation, it is considered that the commitment to limiting the total area of coverage and the removal of polythene will enable this development to be integrated within the landscape acceptably. Accordingly, and on balance, the proposal will satisfy the requirements of Guidelines 2, 3, 4, 5, 6 and 7 and Policies S1, S2, DR1, LA1, LA2, LA5, LA6, HBA4, ARCH3 and E13 of the Herefordshire Unitary Development Plan.

Residential Amenity (Supplementary Guidelines 9, 10, 11, 12, 13 and 14)

- 6.23 In terms of residential amenity, no polytunnels would be sited within 30 metres of the boundary of any neighbouring residential curtilage or within 50 metres of any dwelling itself (whichever distance is the greater) and buffer zones are provided on the periphery of the three zones. The height of the polytunnels would be a maximum of 4 metres and it is not considered that there is any identified concern relating to noise or external lighting associated with this proposal. A condition limiting the height of the polytunnels and securing their removal in the event that they become redundant is recommended. Having regard to residential amenity it is considered that Guidelines 9, 10, 11, 12, 13 and 14 of the SPD and Policies S2, DR1, DR2, DR13, DR14 and E13 of the Herefordshire Unitary Development Plan are satisfied.

Highway Matters (Supplementary Guidelines 15 and 16)

- 6.24 The Traffic Manager has raised issues relating to surface run-off affecting the B4348 road and also requested further information in relation to traffic generation and records for accidents. Further to this, the details provided with the application confirm that traffic movements will be a maximum of 30 daily two way movements by agricultural vehicles during the peak picking period. The transit vans can utilise the existing good access points which are considered to have good visibility onto the A49 from Zone 1 and onto the crossroads south of Harewood End serving Zone 3. The most intensively farmed area (Zone 2) has internal roads such that workers can move around within this zone without joining the local road network. There are also informal passing places along Marsh Lane which skirts Zone 2 on the western side. It is advised that workers are transported together by either a 17-seat or 29-seat mini bus owned by the applicant. It is recognised that there will be increased traffic at peak periods, however it is considered that the well established use of the A49 as a transport corridor for Zones 1 and 3 for vehicles travelling back and forward to the packhouse is capable of continuing to accommodate the peak period traffic flows. The Highways Agency has not objected on the basis of traffic movements and routing detailed. Accordingly and notwithstanding the concerns raised it is considered that there are not traffic matters raised which substantiate a reason for refusal. The issue of surface water run-off from Zone 1 is addressed in more detail below.
- 6.25 The application confirms that the recommended stand-off distance between polytunnels and the centre line the Public Rights of Way will be observed and this is a matter that could be conditioned in the event that planning permission were granted.
- 6.26 Accordingly Guidelines 15 and 16 of the SPD and Policies S6 and T8 of the Herefordshire Unitary Development Plan have been adequately addressed within this submission.

Water (Supplementary Guidelines 17 and 18)

- 6.27 The application is accompanied by a Flood Risk Assessment and a Water Resources Evaluation.
- 6.28 With regard to flood risk, no part of the polytunneled area falls within the higher risk categories of Flood Zone and having regard to the guidance contained within PPS25 the proposal is regarded as less vulnerable. Accordingly the implications for flood risk are not a significant consideration in the context of this application.
- 6.29 The main focus of attention relates to the management of surface water run-off on the basis of the scale of the development proposed. Having regard to the comments made by the Environment Agency and the Council's Drainage Engineer, there is an appreciation of the acceptability of the principle of effectively managing the surface water run-off arising from the use of polytunnels insofar as it should incorporate the use of flow restrictors in the form of dams placed at intervals along the channels. This technique together with the presence of grassed buffer zones and where operationally possible the careful orientation of polytunnels

serves to reduce the velocity of flows and the assessment concludes that with active management in place, flows would be restricted to Greenfield rates or less. The ongoing maintenance of the management system will be a key to its success and in this context a condition could secure full details of the introduction of the measures identified in the assessment and incorporate a maintenance regime that satisfied the concerns of the Environment Agency.

- 6.30 Related to the issue of surface water regulation, it has been identified that silt has been washing off the Court Farm area (Zone 1) onto the B4348 road. This is a matter which is known to the Environment Agency and it is understood that discussion is ongoing with the land owner and interested parties. The Environment Agency has responded formally and subject to a condition requiring measures to deal with the identified sedimentation of the Gamber brook, no objection is raised.
- 6.31 The existing arrangements for the irrigation requirements of the enterprise are covered in the submitted Water Resources Evaluation. This concludes that the established trickle irrigation measures are within the current legal framework and have not resulted in any adverse implications for the environmental and ecological systems in and adjacent to the site. The Environment Agency has not raised any issues with regard to this matter.
- 6.32 On the basis of the detailed input of the Environment Agency and subject to the imposition of the conditions referred to in their formal response, it is considered that Guidelines 17 and 18 and Policies DR4, DR6 and DR7 have been appropriately addressed.

Biodiversity (Supplementary Guidelines 19 and 20)

- 6.33 It is considered that the submitted ecological assessment of the site is satisfactory. The presence of a number of biodiversity features and habitats on the site including veteran trees, hedgerows, open water and woodland is noted. The recommendations for wildlife protection, enhancement and creation and for mitigation are welcomed by the Conservation Manager who concurs with the already stated requirement to further enhance the landscaping of the site and recommends the creation a buffer zone alongside the Marsh Special Wildlife Site. The effective management of surface water together with the comments of the Environment Agency are such that no objection, subject to conditions, is raised.
- 6.34 Therefore it is considered that Guidelines 19 and 20 together with Policies NC1, NC2, NC3, NC4, NC6, NC7, NC8 and NC9 are satisfied.

Other Matters

- 6.35 With specific reference to the requirements of the Environmental Impact Regulations, consideration has been given to the potential alternatives to the use of polytunnels within the application site. In this context, it is recognised that the enterprise is well established with a packhouse and office HQ located at Windmill Hill Farm (within Zone 2). Furthermore having regard to the balance of environmental impacts and economic and operational benefits associated with the use of polytunnels it is concluded that the proposal is acceptable. Particular attention has been given to the proximity to the boundary of the Wye Valley AONB and the mitigation proposed in relation to landscape and biodiversity impacts but in consultation with Natural England and the Conservation Manager it is recognised that there would be no harm attributable to this designated landscape or the habitat value of the site. The breaking up of production into 3 distinct zones and the limitations on coverage within each zone together with the active management of surface water attenuation and the commitments to comply with the Guidelines of the Polytunnel SPD is sufficient to conclude that this proposal is acceptable. Accordingly it is not considered that alternative methods of growing soft fruit within the application site or on other sites would result in any greater environmental benefits.

6.36 A number of concerns arise in relation to the negative impact that the erection of polytunnels have upon Herefordshire as a tourist destination. In response to such concerns it is suggested that polytunnel development does have an acknowledged landscape impact but proportionally little land is covered by them. In the context of this established concern, during the production of the Polytunnels SPD, no evidence to support the view that the growth of polytunnels has led to a decline in tourists staying within the County and visiting its attractions was established. Indeed, there has been an expansion of facilities in the locality particularly at Trevasse Farm, which is close to Zone 3.

6.37 The Polytunnel SPD recommends that a “whole farm” application should include associated development such as seasonal workers accommodation so as to enable a comprehensive view to be taken of the enterprise. This application does not include any associated development and whilst this may be a cause for objection, it must be stressed that this is not a policy requirement and indeed the SPD recognises that where this is not the case, the application for polytunnels should be considered in advance since it is from this baseline that the need for accommodation and other associated development arise. In the event that planning permission is granted for the continued use of the polytunnels by the applicant, it would be necessary to regularise the existing accommodation by submission of a separate application.

7. Conclusion

7.1 It is acknowledged that the continued use of polytunnels by the applicant has an impact upon the character and appearance of the countryside but it is maintained that this impact can be successfully mitigated by the enhancement of the landscaping proposals proposed. I have attached weight to the comments received from Natural England and the Conservation Manager in relation to the landscape implications of the proposal and to the lack of any attributable harm to the Wye Valley AONB. The application addresses matters relating to the other environmental constraints both within and adjacent to the site and technical issues relating to flood risk and surface water drainage have not attracted objections from the Environment Agency. Furthermore it is considered that traffic movement associated with the established enterprise and the approved packhouse facility can be accommodated on the local road network without detriment to highway safety.

7.2 Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION

It be recorded that the Environmental Statement and associated documents including the Statement of Community Consultation have been taken into account in making this recommendation.

That planning permission be granted subject to the following conditions:

- 1. No more than 20 hectares of Zone 1 shall be covered with polytunnels, or any part or parts thereof excepting the legs at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**

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

- 2. No more than 25 hectares of Zone 2 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included**

in this coverage.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

3. No more than 10 hectares of Zone 3 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007

4. No polytunnel shall exceed 4 metres in height above existing ground level.

Reason: To control the impact of the development within the landscape in accordance with Policy LA2 of Herefordshire Unitary Development Plan 2007.

5. No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwellinghouse or within 50 metres of any dwellinghouse that lies outside the confines of the application site, but excluding property in the ownership of the applicants.

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

6. No later than 30 November in any calendar year, the applicant (or his successor in title to the parcel of land in question, as the case may be) shall apply in writing to the Local Planning Authority for its approval of a proposed scheme for the siting and rotation of polytunnels for the following year. The application shall be delivered to the Local Planning Authority. The scheme shall be implemented as approved or amended by the Local Planning Authority, save that where no approval or amendment to the proposed scheme is given in writing by the Local Planning Authority within eight weeks of its delivery, the scheme shall be implemented as proposed.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies DR1, LA2, LA5, LA6 to enable the local planning authority to practically monitor the development.

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

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

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

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

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

Reason: To ensure that the majority of the polytunnels hereby permitted are not covered in polythene outside of the growing periods thus ensuring that the cumulative visual impact is lessened, in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

10. The recommendations for habitats, protected species and habitat management set out in the ecologist's submitted report dated 12 September 2009 should be followed unless otherwise agreed in writing with the local planning authority. The approved management scheme shall be implemented in full accordance with the stated timescales and maintained thereafter.

A full habitat creation, enhancement and management scheme based upon the FWAG report dated 12 September 2009 shall be submitted to the local planning authority within 3 months of the date of planning permission. This shall include large scale plans of the sites and shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the local planning authority.

An appropriately qualified and ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement works.

Reasons:-

- A) 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 the Herefordshire Unitary Development Plan 2007;
- B) To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Bio-Diversity and to meet the requirements of Planning Policy Statement 9 'Biodiversity and Geological Conservation' and the NERC Act 2006.

11. Notwithstanding the submitted landscaping proposals, a fully detailed comprehensive landscaping plan detailing areas of reinforcement of shelter belt planting, planting of a woodland shelter belt(s) together with the identification of new cross-field hedgerows and a planting timetable and long term management plan shall be submitted within 3 months of the date of planning permission being granted.

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

12. The landscaping scheme approved under condition 11 shall be carried out in the first planting season following the date of planning permission being granted. The landscaping shall be carried out in accordance with the approved plan and the long term management plan.

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

- 13. No polytunnels shall be sited within 2 metres of the centre line of any public right of way within or adjacent to the site.**

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

- 14. Within three months of the date of planning permission a detailed scheme for the provision of surface water drainage works (including a maintenance schedule) is to be submitted and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal as recommended by the Environment Agency and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 15. Within three months of the date of planning permission a scheme to adequately treat the level of suspended soils in surface water is to be submitted and approved in writing by the local planning authority in consultation with the Environment Agency.**

Reason: To prevent the increased risk of soil erosion and control of sedimentation to the Gamber and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1. The reasons for granting planning permission in respect of the development are:-**

It is recognised that the continued use of polytunnels upon the site creates benefits to the local rural economy and the proposal, including the enhanced landscaping requirements is considered to mitigate any harm caused to the character and appearance of the site and surrounding countryside. It is not considered that there are any other environmental reasons to justify refusal of the application. In forming this conclusion the Local Planning Authority have had full regard to the relevant Central Government advice, the policies of the Herefordshire Unitary Development Plan 2007, the guidance contained within Herefordshire Council's 'Polytunnels Supplementary Planning Document' and the extent to which the Environmental Statement addressed the environmental impacts associated with this retrospective proposal.

- 2. N11A Wildlife and Countryside Act 1981 (as amended) – Birds.**

- 3. N11C General.**

- 4. The applicant is advised to engage the services of a suitably qualified landscape consultant to supervise the implementation of the landscaping and its subsequent maintenance.**

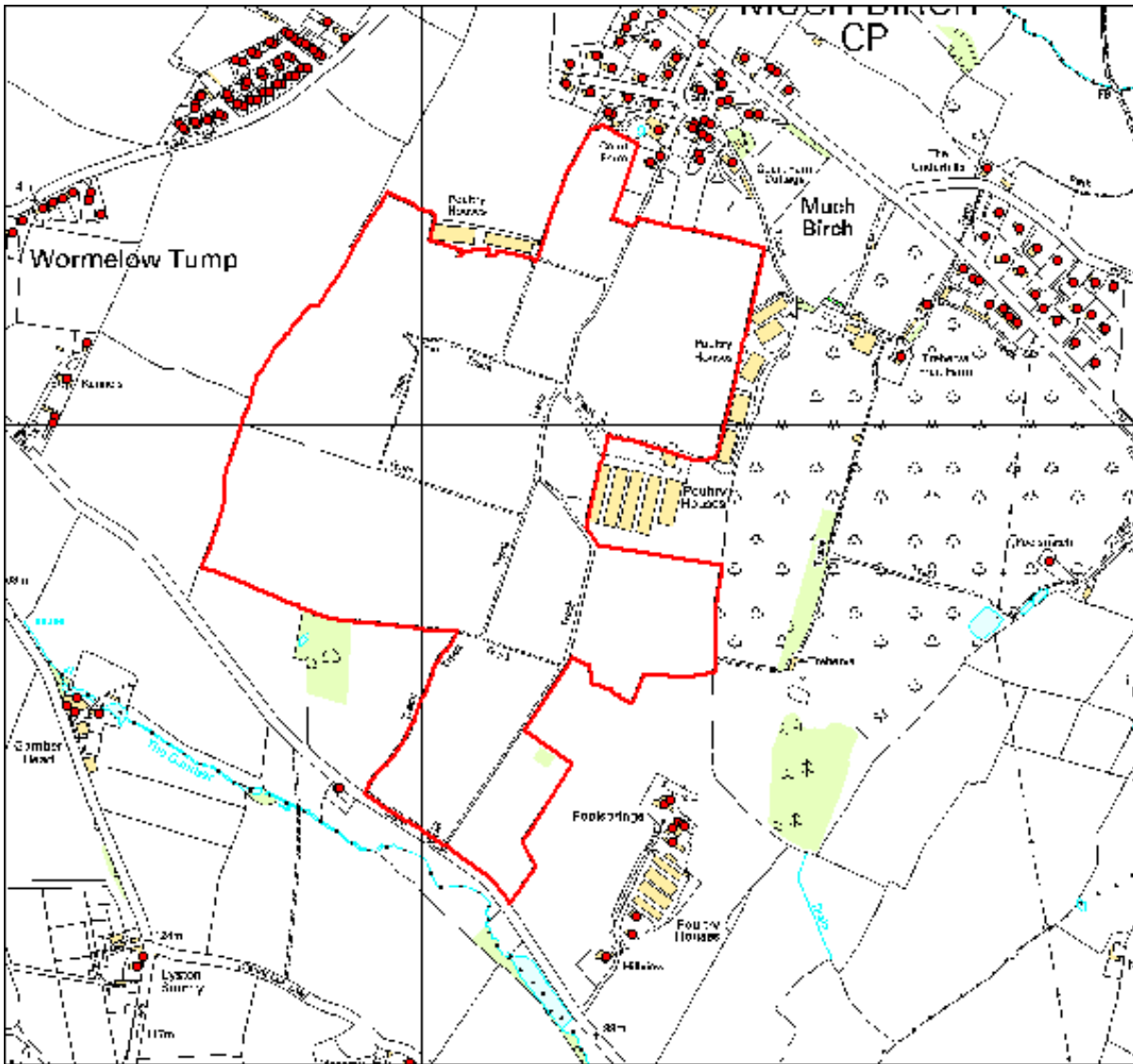
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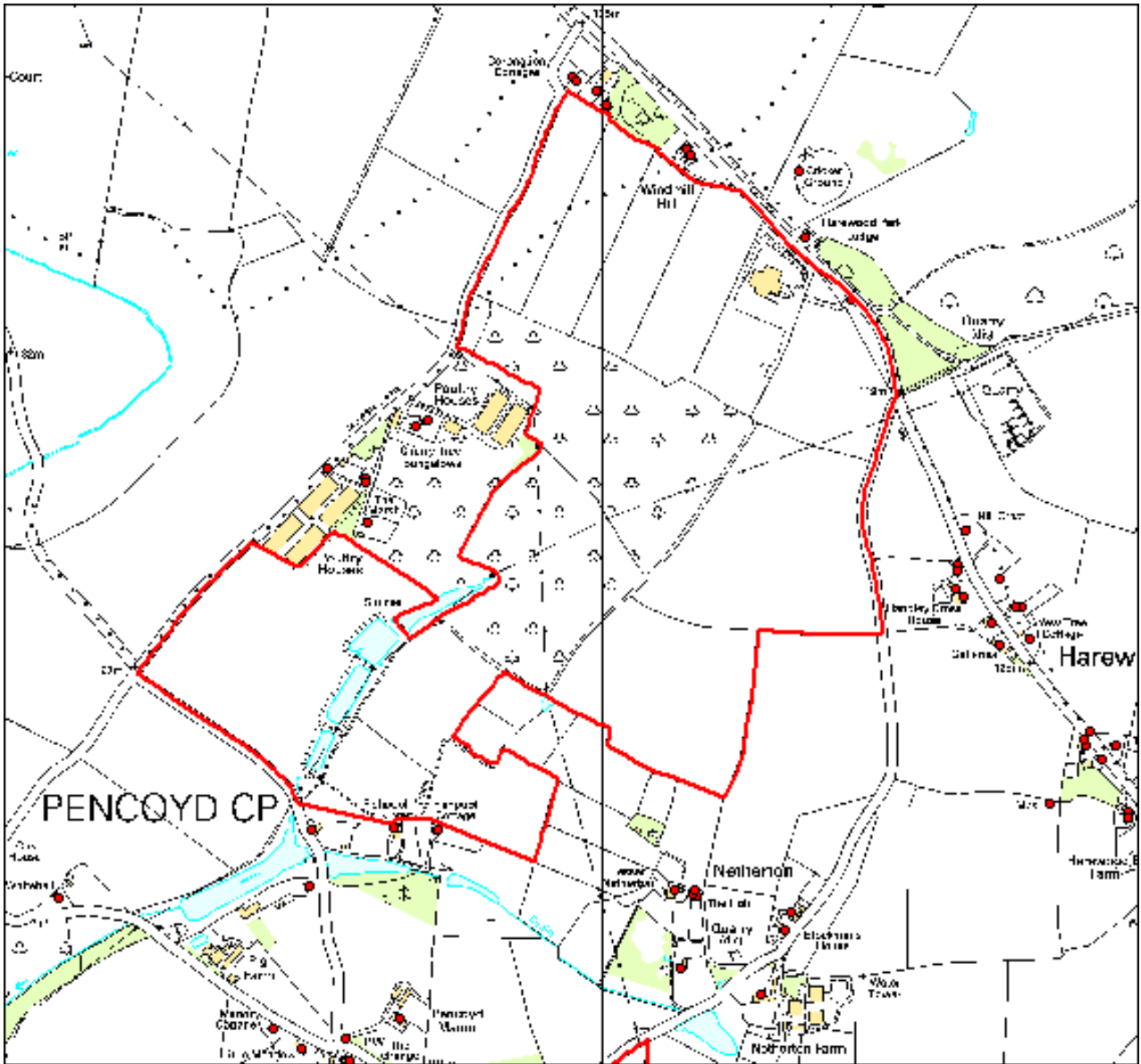
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Background Papers

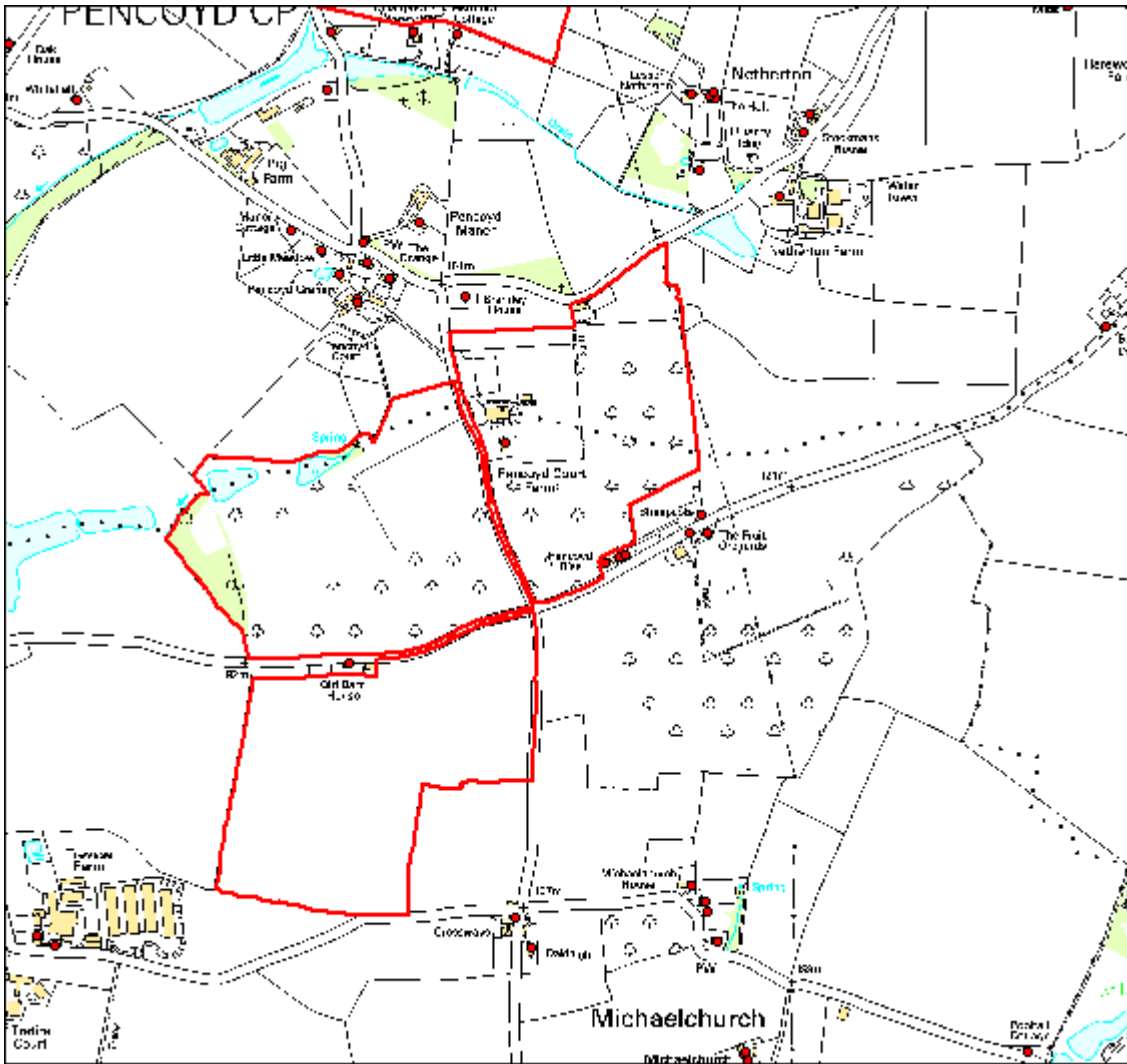
Internal departmental consultation replies.



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



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APPLICATION NO: DMSW/100855/F

SITE ADDRESS : LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2

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



MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	<p>DMS/101334/CD - REPLACE EXISTING PRE SCHOOL NURSERY MOBILE ACCOMMODATION WITH A NEW MOBILE IN SAME LOCATION, AND PROVIDE SIGNAGE AT PEDESTRIAN GATE ENTRANCE. AT HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT</p> <p>For: Mr Sanders per Mr S Pugh, Herefordshire Council Property Services, Franklyn House, 4 Commercial Road, Hereford, HR1 2BB</p>

Date Received: 1 June 2010

Ward: Tupsley

Grid Ref: 353058,239757

Expiry Date: 17 August 2010

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 The application proposes the removal of the existing pre-school nursery and replacement with a larger mobile classroom occupying much the same area. The site is at the corner of Hampton Dene and Church Road, with playing fields extending to the west and the main school building found immediately to the north. The existing main pick-up/drop off point is off Church Road, through which direct passage will be obtained to the pre-school classroom. The application also refers to the erection of a sign beside the gate, advertising the 'Little Acorns Kindergarten' for which a separate application for Advertisement Consent is required.
- 1.2 The proposed unit divides into two classrooms. The footprint measures 12m square with covered balcony facing towards Hampton Dene Road. It is a flat roofed classroom, not dissimilar to the one immediately adjacent.
- 1.3 The application is by the Council to which Sport England has objected on the basis that it results in the loss of an area capable of forming a playing field. If Committee does not propose to refuse the application it will be necessary to consult the Secretary of State.

2. Policies

2.1 Herefordshire Unitary Development Plan:

DR1	-	Design
DR3	-	Movement
CF5	-	New Community Facilities
CF6	-	Retention of Existing Facilities
RST4	-	Safeguarding Existing Recreational Open Space

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

3. Planning History

- 3.1 HC940263JZ - Provision of double mobile classroom unit for 5 years. Approved 3 August 1994
- 3.2 SC990076QZ - Formation of pedestrian access gate to Hampton Dene Road. Approved 7 May 1999
- 3.3 CE1999/2139/F - Erection of single-storey classroom extension. Approved 20 September 1999
- 3.4 CE2002/2411/F - Formation of additional play area. Approved 1 October 2002
- 3.5 CE2008/0614/F - Proposed cycle shelter. Approved 23 April 2008
- 3.6 CE092177/CD - Remove existing 2 mobile classrooms and make good with hard/soft landscaping and provide 2 new classrooms in new location. Approved 5 November 2009

4. Consultation Summary

Statutory Consultees

- 4.1 Sport England: Sport England objects to the proposal on the basis that it results in the loss of land capable of forming a playing field and does not accord with any of the exceptions criteria. Subsequently Sport England officers have acknowledged that the current proposal clearly has less impact on the playing field than the extant permission, particularly now that the proposal is for a temporary period and that the land will be restored to playing field after a period of 5 years. Nonetheless, their objection is maintained.

Internal Council Advice

- 4.2 Traffic Manager: As the majority of children at the nursery will have siblings at the adjacent school, the traffic generation for the nursery will be low and therefore is considered acceptable.

5. Representations

- 5.1 Hereford City Council: No objection provided the permission is limited to 5 years.
- 5.2 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 application promotes an improved, replacement community facility within the confines of an existing educational establishment. Policy CF5 makes specific reference to day nurseries as a use that might be defined as a community facility. It states that new or improved community facilities will be permitted where they are appropriate in scale to the needs of the local community and reflect the character of the location and are located within the area they serve. Facilities should not significantly impact upon the amenity of adjoining residents and should incorporate safe and convenient pedestrian access together with appropriate car and cycle and operational space.
- 6.2 It is my view that this application accords with all of the relevant requirements as described above.

- 6.3 The main unresolved issue revolves around the Sport England objection to the development on the basis that it would result in the loss of part of a playing field and would not accord with one of their exceptions where such losses can be justified. Unitary Development Plan Policy RST4 acts to prevent the loss of public and private open spaces with recreational value, including playing fields associated with schools. The presumption is that development that would result in the loss of such area will not be permitted unless there is clear excess of outdoor playing space provision and/or open space in the area or alternative provision of at least equivalent community benefit is provided.
- 6.4 In this case the planning permission granted on 5 November 2009, which gave permission on a permanent basis for the siting of two mobile classrooms in a position that clearly has a greater impact on the playing field than the current proposal. This is a position acknowledged by Sport England, who were, incidentally consulted at the pre-application stage and had no objection. Notwithstanding the fact that Sport England consider the current proposal an improvement over the existing valid planning permission (which would not be implemented were this permission approved), their objection is maintained.
- 6.5 In this context it is my opinion that the key issue is the fact that the extant 2009 permission is capable of implementation and would be materially worse in terms of its impact upon the playing field. In this case it is my view that the Sport England objection gives the extant permission, and its impact upon the playing field insufficient weight. I consider that the provision of an enhanced community facility, which in itself makes provision for suitable outdoor play space for infants, should be accorded more weight and subject to a condition restricting implementation of the extant 2009 permission. I would recommend that approval be granted.

RECOMMENDATION

- a) **The Committee does not propose to refuse this application, and**
b) **a consultation is undertaken with the Secretary of State, as required by the Town and Country Planning (Consultation) (England) Direction 2009**
c) **subject to the Secretary of State notifying the Council that it is not intended to issue a direction in respect of the application the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the conditions as set out below, and any other conditions considered necessary:**
1. **F18 Temporary permission.**
 2. **B06 Implementation of one permission only.**
 3. **B01 Development in accordance with the approved plans.**
 4. **H30 Travel Plans.**

INFORMATIVES:

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

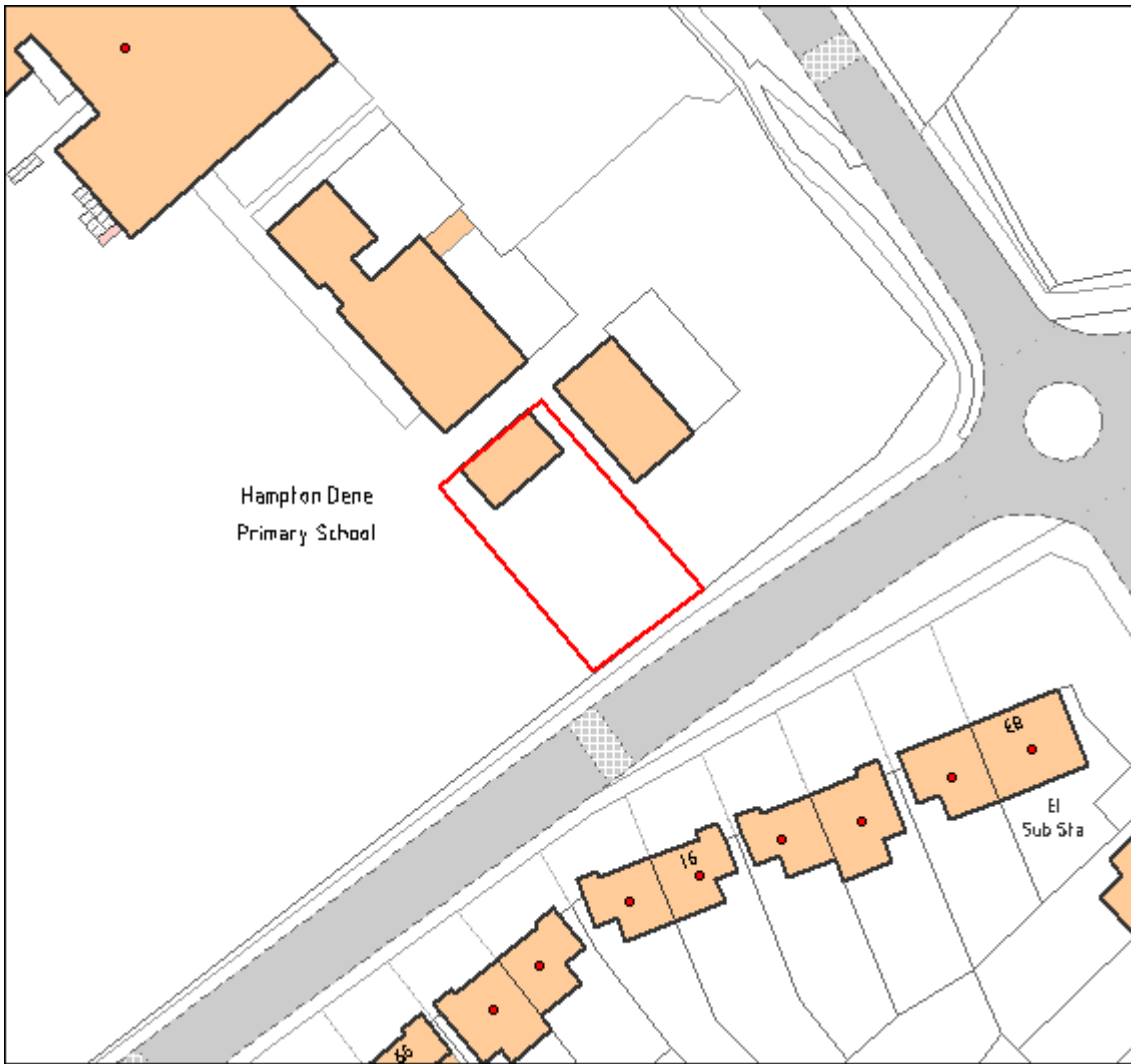
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/101334/CD

SITE ADDRESS : HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT

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



MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	<p>DMCE/100586/F- RETENTION OF TWO EXISTING AND SITING OF ONE FURTHER MOBILE HOME TO BE OCCUPIED BY SEASONAL AGRICULTURAL WORKERS AT LAND AT WHITETHORN FARM, CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG</p> <p>For: Mr Soble per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL</p>

Date Received: 17 March 2010

Ward: Hollington

Grid Ref: 355948,231113

Expiry Date: 13 May 2010

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site is located immediately south of unclassified road 72003, west of the hamlet of Carey. Ground levels fall steeply from unclassified road 72001 northwards into the site and also from west to east surrounding the site. To the south is small deciduous woodland known as Whitethorn Wood and just north of the site are three detached dwellings. An existing tarmac driveway provides access into the site leading to an agricultural storage building, open fronted pole barn and glasshouse. The driveway then continues as a gravel track westwards to polytunnels and fruit and vegetable plantations. North of the pole barn is a log cabin style mobile home which is occupied by the applicants. A three year temporary planning permission for this mobile home expired August 2009 and this matter is currently being pursued by the Councils enforcement officer. The site lies within the Wye Valley Area of Outstanding Natural Beauty and Public Right of Way LD20A runs through the farm to the east.
- 1.2 Planning permission is sought for the retention of two existing mobile homes which are sited along the northern boundary hedge adjacent to unclassified road 72003 along with the siting of a further mobile home. Both the existing and proposed mobile homes are in the form of static caravans. The existing and proposed mobile homes are occupied between the months of April to October inclusive by seasonal workers employed by the applicants working on the holding and would be in addition to the applicants temporary living accommodation. This year, eight students are working on the farm from Spring through to Autumn, four of which are students at Plumpton agricultural college in Sussex. The applicants anticipate that this number will increase to ten next year.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character and Areas Least Resilient to Change
H8	-	Agricultural and Forestry Dwellings Associated with Rural Buildings
E13	-	Agricultural and Forestry Development

2.2 Planning Policy Statement 7 – Sustainable Development in Rural Areas

2.3 Supplementary Planning Document – Landscape Character Assessment (2009)

3. Planning History

3.1	CE2005/0350/F	Construction of farm track. Approved 4 May 2005.
3.2	CE2005/1124/S	Erection of agricultural building. Prior Approval Not Required 27 April 2005.
3.3	CE2006/0403/S	Agricultural glasshouse for raising of plants. Prior Approval Not Required 28 February 2006.
3.4	CE2006/0400/S	Agricultural building to store hay, straw, animal feeds and general storage. Prior Approval Not Required 28 February 2006.
3.5	CE2006/1772/F	Siting of temporary living accommodation for agricultural workers. Approved 29 August 2006.
3.6	CE2006/3291/F	Siting of two mobile homes to be occupied by seasonal agricultural workers. Approved 23 November 2006.
3.7	CE2007/0571/F	Extension to barn. Approved 25 April 2007.
3.8	CE2007/1971/F	Removal of condition 3 of planning permission CE2007/0571/F. Refused 17 August 2007.
3.9	CE2007/2720/F	Erection of glasshouse. Approved 8 May 2008.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No highway implications and beneficial in sustainability terms as workers are based on site.

5. Representations

5.1 Little Dewchurch Parish Council: The Parish Council support the application.

5.2 Four letters/e-mails of objection and one letter of comment have been received.

The main points raised are:

- It is unclear what the applicant is applying for.
- The development is not compatible with the AONB.
- The workers accommodation could be provided at Ballingham Court who is in partnership with the applicant.
- This is yet another retrospective application on the site.
- Planning permission for the applicant's own accommodation expired in August 2009.

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 The application proposes the retention of the existing two static caravan mobile homes along with the siting of a further mobile home all to be occupied on a seasonal basis by workers on this horticultural farm. Class A, Part 5, Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 linked in with the Schedule 1 of the 1960 Caravan Sites and Control of Development Act permits the siting of a mobile home for the accommodation of persons engaged in farming through a particular season. However, this is subject to the requirement that the mobile home is removed from site when its use in connection with a seasonal agricultural activity ceases. In essence, the mobile home must be removed from site at the end of the season and brought back on site at the start of the next season.

6.2 This creates a significant problem for many of Herefordshire's farmers who are heavily reliant on a seasonal labour force in terms of the work in removing and re-siting the mobile homes but also finding a suitable and lawful place for their storage during the winter period. It is accepted that horticultural enterprises are labour intensive and require some form of seasonal worker accommodation to operate and function efficiently. This accommodation is usually provided on the site where the main activities exist.

6.3 The existing holding extends to 18 hectares (44 acres), approximately two thirds of which is set out to apple, pear and cherry tree plantations. The remainder is used more intensively for the growing of strawberries, cane and brush fruit and vegetables. The farm is certified as organic. Although the farm generates work throughout the year, the main activities run from Spring to Autumn centred around planting, weeding and harvesting. The applicants have also recently acquired additional land south of the existing farm which will be cultivated for further fruit and vegetable production over the next five years or so. Although a detailed breakdown of daily activities associated man hours has not been provided, given the existing farm and associated crops are now established and the future farm expansion plans, on the basis of four persons occupying each mobile home, the functional need for three seasonal workers mobile homes is therefore accepted in horticultural terms.

6.4 The proposed site is somewhat detached from the remainder of the recent development that has taken place within the holding but is still relatively well screened by virtue of its location up against existing mature hedge. Furthermore, the applicants have planted a line of trees

immediately east and south of the mobile homes which visually integrates with the strong hedgerow patterns enclosing the farm as a whole and further screens the mobile homes from public vantage points. The development does nevertheless impact on the character and appearance of the landscape which is designated as an Area of Outstanding Beauty by virtue of their design, materials and finish. On balance, however, it is not considered that the impact is sufficiently harmful to warrant refusal of the application having regard to the wider context of the site, the visual impact and landscaping already undertaken and the functional need for the facilities to be provided.

- 6.5 The presence of the existing mobile homes over the last three years have not resulted in complaints to the Council arising from unacceptable disturbance for the amenity of nearby properties. The Traffic Manager also considers it more appropriate in sustainability terms for the workers to reside on site rather than commuting by car from elsewhere. With regard to the applicants existing accommodation which is now unauthorised, whilst this is a separate matter, the applicant has now been given a final opportunity to either remove the log cabin or try and regularise the situation through a further application. An update on this matter will be provided at Committee.
- 6.6 It is now accepted through other similar permitted developments within the County that horticultural production requires a seasonal labour force and it is most appropriate for this workforce to be sited either on or close to the polytunnels where the produce is grown. The task is therefore to ensure that the site of such accommodation minimises its impact on landscape, residential amenity and highway safety in particular. It is considered that this proposal satisfactorily addresses all these three key issues subject to appropriate conditions.
- 6.7 To ensure the accommodation remains for seasonal use and does not become permanent residential accommodation, a condition is recommended preventing the caravans from being occupied between the months of November and March. A temporary permission is also recommended to allow the need for the caravans to be reviewed after expiry of the temporary period. Subject to the above restrictions, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. F21 Temporary permission – ten years (mobile home/caravan).**
- 2. The occupation of the caravans shall be limited to persons employed in agriculture at Whitethorn Farm, Carey, HR2 6NG.**

Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional need associated with the growing of fruit and vegetables on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan.

- 3. Within two months of the date of this permission, the colour including the BS number for all exterior surfaces of the mobile homes hereby permitted shall be submitted for approval in writing of the local planning authority. The existing mobile homes shall be coloured in accordance with the approved details within four months of the date of this permission and the additional mobile home coloured in accordance with the approved details prior to being occupied.**

Reason: To protect the visual amenities of the area and to ensure the development conforms with Policies LA1 and DR1 of the Herefordshire Unitary Development Plan.

4. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification, no other caravans shall at any time be placed on the land identified in blue outlined on the plan titled 'Farm Regime' and dated May 2010.**

Reason: To prevent the further proliferation of mobile homes in order to safeguard the visual amenity of the area and to ensure the development conforms with Policies LA1 and DR1 of the Herefordshire Unitary Development Plan.

5. **F31 Static holiday caravan occupancy (November to March inclusive).**

Informatives:

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

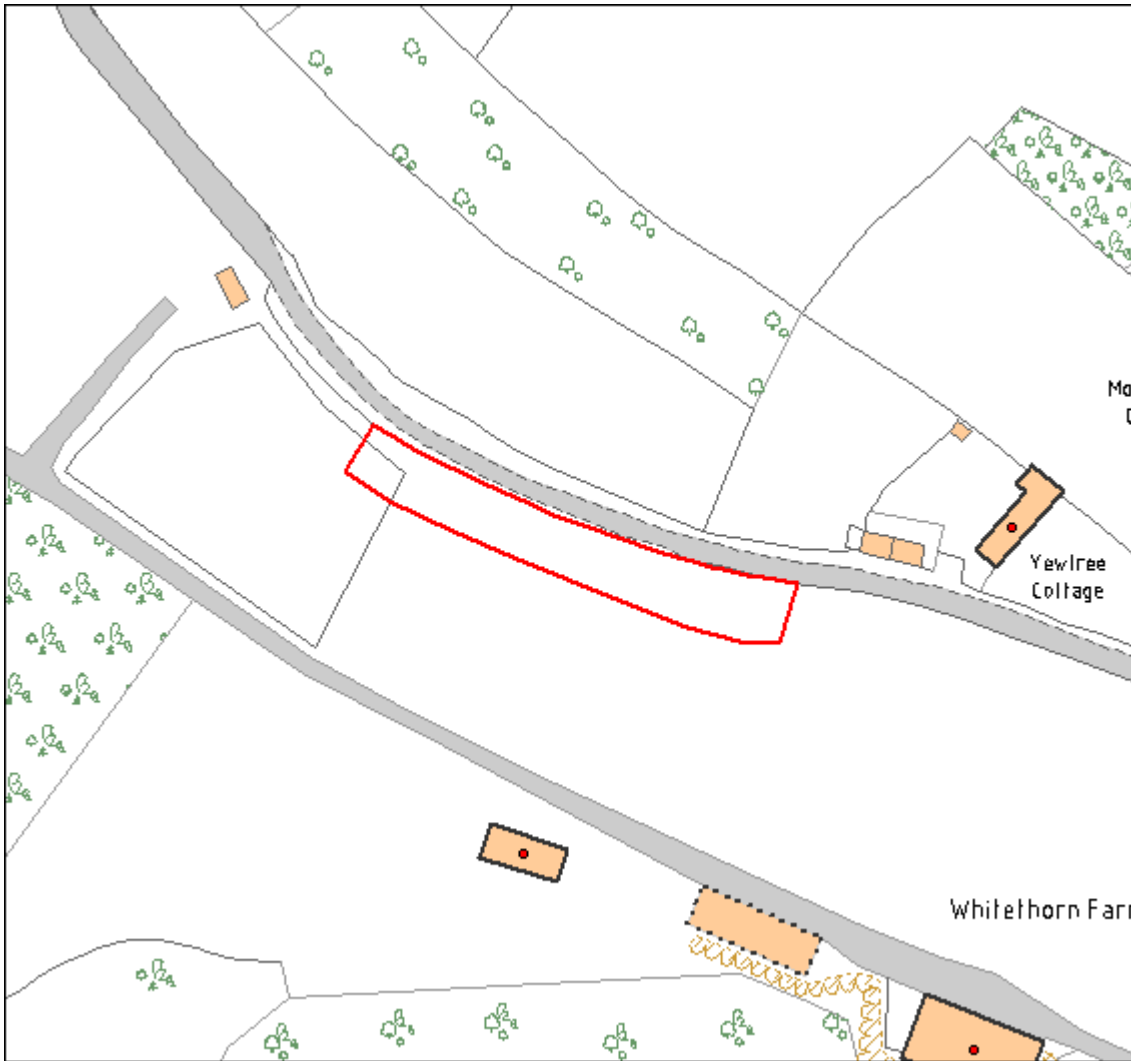
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMCE/100586/F

SITE ADDRESS : LAND AT WHITETHORN FARM, CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288



MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	<p>DMN/101785/F- CONVERSION OF OUTBUILDING TO RESIDENTIAL DWELLING AT OUTBUILDING AT HARBOUR HOUSE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SE</p> <p>For: Mr & Mrs G Schenke, Harbour House Kingsland, Leominster, Herefordshire, HR6 9SE</p>

Date Received: 14 July 2010

Ward: Bircher

Grid Ref: 344061,261330

Expiry Date: 8 September 2010

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The proposal is for the conversion of a range of modestly sized outbuildings forming part of the residential curtilage of Harbour House, Kingsland. The property is located on the western fringes of the village in an area known as West Town and is immediately adjacent to the A4110. The site falls within the conservation area for Kingsland and has a number of listed buildings within its immediate environs, including a range of converted farm buildings at Showers Farm opposite.
- 1.2 The building has three composite elements. The first is the half timbered main building that fronts onto the A4110. It is a prominent feature in the street scene. The second and third elements are two wings that project to the rear. These are later additions with one being built off an attractive Flemish Bond garden wall.
- 1.3 The proposal sees the building converted into two bedroom accommodation, all at a single level. It requires minimal alterations to the front, roadside elevation of the building. The timber framing at the south eastern corner is to be repaired and four windows inserted into the framing. An internal truss supported on a dwarf wall is to be retained in its entirety and consequently the applicant is proposing to add a glazed lean-to between the two wings to act as a circulation space and link the three elements together. Without this it is contended that the truss would have to be altered in order to allow access through. A cider press within the building is to be re-located to a position outside, within the courtyard to be created as a private space for the resultant dwelling.
- 1.4 Main glazed elements appear on those elevations forming an internal courtyard to the rear. A garage door on the eastern elevation is also to be glazed, but existing high level windows are to be blocked up. Similarly two openings in the western gable end of the main building are to be re-used.

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

- 1.5 Access is to be shared with that of Harbour House. It emerges onto a C class road and the intention is to take a spur off the drive, running an access in front of Harbour House with a dedicated parking and turning area to the side of the proposed conversion scheme.
- 1.6 The application is supported by a structural survey that concludes that the building can be retained and converted subject to a series of repairs, particularly to the timber frame. An ecological survey concludes that there has been no recent bat activity. The application is also supported by the requisite design and access statement and a heritage statement. The applicant has also stated an acceptance of a one year commencement condition in accordance with the Cabinet decision of 1 April 2009 to suspend Section 106 contributions on certain types of development.
- 1.7 The application has been referred to Committee as the applicant is employed in Planning Services.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
DR3	-	Movement
H7	-	Housing in the countryside outside settlements
H14	-	Re-using previously developed land and buildings
NC1	-	Biodiversity and development
HBA12	-	Re-use of rural buildings
HBA13	-	Re-use of rural buildings for residential purposes

3. Planning History

- 3.1 N/101572/F – Conversion of outbuildings into a residential dwelling – Application withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to conditions

Internal Council Advice

- 4.2 Transportation Manager – No objection subject to a condition to ensure that parking and turning facilities are completed prior to first occupation.
- 4.3 Conservation Manager:-
- 4.4 Ecology – No objection subject to condition
- 4.5 Historic Building Officer – Response awaited

5. Representations

- 5.1 Kingsland Parish Council – Support the application

6. Officer's Appraisal

- 6.1 The basic principle of converting this range of buildings to a residential use is accepted. The information supporting the application demonstrates that the building is structurally sound and

certainly the main building makes a significant contribution to the street scene and the character and appearance of the conservation area. Whilst it is not listed, it is of local interest and there is justification for its retention.

- 6.2 The proposals provide a unit of modest accommodation, but the plot and building is capable of accommodating an acceptable private garden, with the internal courtyard between the wings potentially being a very attractive feature and providing an appropriate location for the retention of the cider press. This could be secured through the imposition of a condition.
- 6.3 Although the site is beyond the main village centre and lies beyond its settlement boundary, the character of the immediate locality is very much residential, with dwellings set in a linear fashion along the A4110 further to the west. The proposal continues this form of development without compromising the residential amenity of Harbour House itself, or the immediate neighbour to the west, Witsend, which is set much further back from the road than the building to which this application relates. This is primarily because the proposal is for single storey accommodation and will not give rise to any demonstrable overlooking or loss of privacy.
- 6.4 A number of changes have been made to the scheme since the withdrawal of the original application. Primarily these relate to the retention and conversion of the two wings, rather than elements of reconstruction that were originally proposed. Another important change has been the re-positioning of the parking and turning area to the side of the building, rather than directly in front of it as originally proposed. In light of the fact that the contribution that the building makes to the street scene, this was considered to be unacceptable. The plan as proposed resolves this and retains an unimpeded view of the building from the road.
- 6.5 The key issue with the scheme is the inclusion of the glazed link to act as a circulation area between the two wings and the main building. The justification for it is to ensure that the supporting truss and dwarf wall can be retained, rather than being breached and altered, a proposal that would most likely give rise to an objection.
- 6.6 The building does make a positive contribution to the local area and its continued deterioration, and potentially its demolition without an alternative use, would be to the detriment of this part of the village and the conservation area. The introduction of the link is, in this instance, considered to be an acceptable solution as it ensures its renovation and continued use of the building, whilst retaining one of its more significant features.
- 6.7 On this basis the proposal is considered to be acceptable in terms of its design. It does not give rise to any impact on residential amenity and is acceptable in respect of highway issues. Welsh Water have recommended conditions requiring that surface water should be dealt with separately and not be permitted to discharge to the mains sewer. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less.

2. **B01 Development in accordance with the approved plans.**
3. **C01 Samples of external materials.**
4. **D04 Details of window sections, eaves, verges and barge boards.**
5. **D05 Details of external joinery finishes.**
6. **D12 Repairs in situ.**
7. **Prior to the commencement of the development hereby approved a detailed schedule of the repairs to the timber frame shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

8. **Before the first occupation of the dwelling, the cider press shall be re-located to the position as shown on the approved plan and shall be thereafter retained in perpetuity unless first agreed in writing with the local planning authority.**

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

9. **The truss and dwarf wall shown to be retained on the plans hereby approved shall be retained in perpetuity and shall not be removed or altered unless first agreed in writing with the local planning authority.**

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

10. **F14 Removal of permitted development rights.**
11. **F16 No new windows in specified elevation.**
12. **H13 Access, turning area and parking.**
13. **K4 Nature Conservation – Implementation.**
14. **L01 Foul/surface water drainage.**
15. **L02 No surface water to connect to public system.**
16. **L03 No drainage run-off to public system.**

INFORMATIVE:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/101785/F

SITE ADDRESS: OUTBUILDING AT HARBOUR HOUSE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SE

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