

AGENDA

Planning Committee

Date: **Wednesday 12 January 2011**

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

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor 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

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of 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 15 December 2010.	1 - 14
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	ENFORCEMENT REPORT To be noted.	15 - 16
7.	DMN/102045/F - LAND AT OAKCHURCH FARM, CHURCH ROAD, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NE Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective)	17 - 32
8.	DMN/102046/F - LAND AT UPPER NORTON & HINTON FARMS, NORTON CANON, HEREFORDSHIRE, HR4 7LN Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective)	33 - 48
9.	DMN/102047/F - LAND AT BISHOPSTONE FORMING, PART OF BISHOPS COURT, BISHOPSTONE BRIDGE SOLLARS, HEREFORDSHIRE, HR4 7JQ Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective)	49 - 64
10.	DMN/102048/F - LAND AT BROBURY FARM, BROBURY-WITH-MONNINGTON, HEREFORDSHIRE Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective)	65 - 80
11.	DMSE/100298/O - LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ Light industrial units B1 use.	81 - 90
12.	DMS/102193/F - LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH Forming of new access and site road. Construction of new packing shed. Erection of 2 no. polytunnels. Placing of 4 no. mobile storage units on site.	91 - 100

13. DMS/101907/O - LAND ADJACENT TO HOLLY BUSH, CRAFTY WEBB, BREDWARDINE, HEREFORDSHIRE, HR3 6BZ | 101 - 106

Site for erection of affordable home.

14. DATE OF NEXT MEETING

Site inspection [provisional] - 1 February 2011

Next scheduled Planning Committee - 2 February 2011

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 15 December 2010 at 10.00 am

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

Councillors: ACR Chappell, PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, AT Oliver, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors LO Barnett, TM James, MD Lloyd-Hayes and SJ Robertson

78. APOLOGIES FOR ABSENCE

Apologies were received from Councillor H Davies.

79. NAMES SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor AT Oliver attended the meeting as a substitute member for Councillor H Davies.

80. DECLARATIONS OF INTEREST

81. MINUTES

RESOLVED: That the Minutes of the meeting held on 24 November 2010 be approved as a correct record and signed by the Chairman.

82. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced the Officer's who were present at the meeting.

83. APPEALS

Councillors PJ Watts and KS Guthrie agreed to represent the Planning Committee at the forthcoming appeal in respect of the application at Freemans Paddock.

The Committee noted the report.

84. DMN/101505/F - COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY

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. During his presentation he addressed the key issues regarding the application, these included the principle of development; the loss of the playing field; the density and design of the development; the transportation issues; the foul drainage and surface water issues in the area; affordable housing; ecology and landscaping.

The Principal Planning Officer also clarified a number of points, including; that the access was 5.5 metres wide; that the visibility splay was 24 metres in one direction and 16 metres in the other; that the gradient into the site was 1 in 12 at its steepest point; and that the affordable housing would be allocated through the local housing association.

In accordance with the criteria for public speaking Mr Ashton, representing Colwall Parish Council, and Mr Hamilton, representing a number of local residents, both spoke in objection to the application, and Mr McCann, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RV Stockton, the Vice-Chairman, speaking in his capacity of local ward member, commented on a number of issues, including:

- The application was acceptable subject to the resolution of the issues regarding the highway and the sewerage.
- The drain in question had been improved after recent cleaning and major work was taking place on 20 and 21 December 2010 to resolve the remaining issues.
- The tennis court could be used for additional parking if required.
- Surface water is stored and released slowly giving a 45% improvement over the current situation.

In response to comments from the public speakers and the local ward member, the Principal Planning Officer confirmed that although the capacity of the sewerage system was a planning matter the maintenance of the system was the responsibility of Severn Trent. He also confirmed that the pupil roll had increased from 202 to 219 although the school had a maximum capacity of 300.

The Area Engineer (Development Control) advised Members that parking restrictions would need to be applied for by the Parish Council and would need to meet the required criteria. He also confirmed that it could take over a year for the works to be commenced.

One of the Members advised the Committee that he had attended the recent site inspection and noted that although the junction had already been improved there was still an issue regarding its navigation by large vehicles. It was noted that delivery vehicles and buses often reversed to the school through a no entry sign. Members noted that improvement works could rectify the issues regarding the junction.

A number of members commented on the application and had concerns regarding the reduced visibility out of the site due to the protected trees. Concerns were also raised in respect of child safety due to pupils having to cross a public footpath which separated the two school playing fields. Other concerns raised related to issues regarding waste water; possible over intensification of the site; concerns regarding traffic and parking; and the loss of amenity space. Due to these concerns a motion to refuse the application contrary to the Officer's recommendation was moved and seconded.

In response to the highways question the Area Engineer (Development Control) confirmed that the visibility splay greatly exceeded the minimum requirements. He also confirmed that the maximum slope into the site was a '1 in 12' gradient and that a slope as steep as '1 in 8' was deemed acceptable.

The Principal Planning Officer advised Members that the tree branches were considerably higher than a car driver's visibility and would therefore not have an impact on the visibility of a driver exiting the site. He also confirmed that the Mathon Road playing field previously referred to was already used by the school, and therefore this would not be affected as a result of the proposed application. In respect of the issue of density, he confirmed that the density of the development was 24 houses per hectare

which was considered to be fairly low. Finally he added that there would be 45% less surface water due to the proposed engineering works on the site.

The Committee noted the concerns raised regarding traffic problems in the area but felt that this could be addressed. Members requested that this issue be delegated to Officers, in consultation with the local ward members and Chairman, if the application was approved.

In response to a question regarding affordable housing on the site, the Principal Planning Officer confirmed that there would be 4 affordable homes, this was a reduction on the usual 35% requirement in order to take into account a 6 bedroom dwelling at the request of the housing association. He also advised Members that density was considered by the inspector during the UDP consultation. He confirmed that the Inspector took into consideration the AONB, and conservation area, when determining the acceptable density for the site.

A Committee Members noted that the land being lost for development was being replaced through other playing fields. He also noted that the school was opening up its facilities to the wider public to benefit the people of Colwall.

The Assistant Director – Environment, Planning and Waste noted that the Committee had debated the application in detail and advised Members that the application had to be determined under current guidance. He added that Councils had to determine planning applications in accordance with policy unless there were material planning reasons to consider. He also noted that the site had been allocated for housing under our current Unitary Development Plan and had received no objections from the statutory consultees.

The Locum Lawyer and the Democratic Services Officer had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Assistant Director – Environment, Planning and Waste, and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor Stockton was given the opportunity to close the debate in accordance with the Council's Constitution.

A motion to refuse the application contrary to the Officer's recommendation was lost and the resolution below was agreed.

RESOLVED

- 1 The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as an annex).**
- 2 Upon completion of the abovementioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**
 - 1 A01 Time limit for commencement (full permission)**
 - 2 Notwithstanding the detail upon the submitted planning application form, prior to the commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- Written details and samples of all external materials in respect of the buildings;
- Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas, driveways, car parking areas and pedestrian pathways;
- Details of the solar panels
- Details of the rooflights

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 3 Prior to commencement of the development hereby permitted full written details of all proposed boundary treatments (i.e. fences, gates, walls or other means of enclosure) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments for each plot shall be fully implemented prior to the first occupation of the house upon that plot and thereafter maintained as such. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and any order revoking and re-erecting that Order, no other boundary treatments shall be erected without the express consent of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty and to safeguard the privacy of the occupiers of the houses hereby permitted in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 4 All planting, seeding and turfing in the approved details of landscaping (i.e. drawing number BAN17092-10 Rev E. received 13 October 2010) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with policy LA6 of the Herefordshire Unitary Development Plan 2007.

- 5 Prior to the first occupation of the dwellings hereby permitted the vehicular means of access, car parking/garaging, turning and manoeuvring areas for vehicles shall be implemented. Thereafter these areas and facilities shall be kept available for the manoeuvring and garaging/parking of motor vehicles.

Reason: To ensure adequate on-site car parking provision thus preventing additional parking on Brockhill Road in accordance with policies T11 and H16 of the Herefordshire Unitary Development Plan 2007.

- 6** Prior to commencement of the development hereby permitted full details of all external lighting (if any) shall be submitted to the Local Planning Authority for their written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rural character of the area, the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 7** Prior to the commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full details of the surface water drainage design (including the requisite calculations of the balancing storage volume) such that peak surface water discharge from the development site during a 1 in 100 year storm (plus 30% for climate change) does not exceed 5.0 litres per second. These details must include a monitoring and maintenance plan in relation to these surface water drainage arrangements.

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved surface water drainage arrangements shall be fully implemented prior to the first occupancy of any of the houses hereby permitted and thereafter maintained in accordance with the approved maintenance plan.

Reason: To ensure that the land drainage arrangements are satisfactory and do not exacerbate the risk of flooding in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 8** The finished ground floor levels of the houses hereby permitted shall be set 0.15 metre above finished ground level.

Reason: To ensure that the houses are not affected by overland flow of surface water that does occur in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 9** Prior to the commencement of the development, an ecological protection and enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with policies NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and to meet the requirements of Planning Policy Statement 9 and the NERC Act 2006.

- 10** The existing hedgerow along the Brockhill Road frontage (i.e. the eastern boundary of the site) shall remain in-situ and none of it shall be removed other than at the approved vehicular means of access and two pedestrian pathways hereby permitted.

Reason: To ensure that the hedgerow along the road frontage that makes a positive contribution to the character and appearance of the area is

retained in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 11 All works on-site shall be carried out in full accordance with the Arboricultural Method statement prepared by ACD Arboriculture dated 22/10/2009 received on 17 June 2010.

Reason: To safeguard all trees of amenity value that are worthy and capable of retention in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 12 Prior to commencement of the development hereby permitted the protective fencing as detailed upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 and according with the advice in section 9.2 of BS5837:2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005 shall be erected in the positions shown upon that plan. Once these protective measures have been erected but prior to the commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 13 All of those parking areas, pedestrian pathways and parts of the vehicular means of access that are shaded in blue upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 shall be constructed in full accordance with the "no-dig" method as set out in para. 11.8 of BS5837:2005 and thereafter maintained in accordance with that detail.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 14 During the course of development and thereafter there shall be no excavation (including pipework and other excavation for services) within those areas of land that are shown upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 to be enclosed by tree protection fencing and marked as exclusion zones.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 15 That part of the vehicular means of access to the site shown upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 to be constructed using a "no-dig" method as advised in BS5837:2005 shall be constructed in full accordance with that detail prior to any construction

traffic entering the site. Thereafter that access detail shall be maintained in-situ in accordance with that detail.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 16 H27 - Parking for site operatives
- 17 H18 - On site roads - submission of details
- 18 I55 - Site Waste Management
- 19 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

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

- 20 Prior to commencement of the development a timetable shall be submitted, for approval in writing of the Local Planning Authority, agreeing deliveries taken at or despatched from the site during the construction phase to ensure no conflict with school traffic and development carried out in accordance with this condition.
- 21 All construction deliveries related to the development hereby permitted, including preparation prior to building operations, shall only take place outside the hours of 08:30 and 09:30 and 15:00 and 16:00.

Reason: In the interest of highway safety.

INFORMATIVES:

- 1 Reason for approval:- The development accords with the provisions of the Development Plan in that it involves house building upon a site specifically allocated for housing development. The detail of the development is considered to preserve the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty. It is not considered that any unacceptable risk to highway safety would arise and both the foul and surface water drainage arrangements are considered to be acceptable. There would not be any adverse impacts upon trees the subject of a Tree Preservation Order nor would there be any undue loss of amenity to neighbouring residents. The loss of the playing field would not lead to a deficiency of open space and recreational provision within the locality. There are no other material planning considerations that would justify a refusal of planning permission.
- 2 N19 Avoidance of doubt - Approved plans
- 3 HN08 Section 38 Agreement & drainage details
- 4 HN01 Mud on highway
- 5 HN04 Private apparatus within highway

- 6 **HN05 Works within the highway**
- 7 **HN28 Highways Design Guide and Specification**
- 8 **I13 - This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**

85. DMSE/100298/O - LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ

The Head of Development Management advised Members that further information regarding the application had been received. He requested that Members defer the consideration of the application pending further discussions with the applicant.

RESOLVED

THAT the determination of the application be deferred.

86. DMN/102035/O - HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LU

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 Mr Taylor, the applicant's agent, spoke in support of the application.

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

- The application should be supported as it would provide an affordable home for a local young family.
- None of the affordable homes referred to at Dark Lane would be available for sale to local people.
- Other neighbouring authorities appear to be more open to these types of applications.
- The poor health of the applicant's wife appears to have been disregarded in the report.
- The site was not an unreasonable distance from Leintwardine.

One Member of the Committee felt that in his opinion the application was similar to the traveller's site application which was refused contrary to Officer's recommendation recently.

Members discussed the application and felt that the proposed dwelling was adjoining to an established rural settlement. They noted that the applicants were local residents who were currently on the Homepoint waiting list.

In response to a question regarding the affordability of the home, the Principal Planning Officer confirmed that the dwelling would be sold at 60% of market value in perpetuity. In response to a further question he also confirmed that there had been no details in the application in respect of any special requirements for the dwelling to make it suitable for any person with a disability.

The Assistant Director – Environment, Planning and Waste advised Members that the application needed to be determined on its merits taking into consideration current planning policy but having regard to any material planning considerations which could support the application. He stressed the importance of Unitary Development Plan Policy H10 in the determination of the application.

The Head of Development Management advised that if permission were to be granted it would be appropriate for the dwelling to be subject to it being for affordable housing, be as such in perpetuity and any resale should be at 60% of the normal market value.

The Locum Lawyer and the Democratic Services Officer had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Assistant Director – Environment, Planning and Waste, and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor Barnett was given the opportunity to close the debate in accordance with the Council's Constitution.

RESOLVED

THAT planning permission be granted subject to the restrictions discussed and to any other conditions considered appropriate by officers in consultation with the Chairman and the local ward member.

87. DMN/102310/F - 36 CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3BE

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 Newman, representing Kington Town Council, and Mrs Baines, representing a number of local residents, both spoke in objection to the application, and Mr Simpson, the applicant's agent, spoke in support.

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

- The area was a mixture of small retail shops and residential dwellings.
- There were a number of concerns regarding highways issues due to cars parking on double yellow lines outside the nearby takeaway and supermarket.
- The nearby takeaway closed at 9pm and was not open 7 days a week.
- The town currently had an issue with antisocial behaviour which would be exacerbated with an additional late night premise.
- The proposed development was 150 metres from the nearest car park.
- The application should be refused due to the highways issues and the impact on the amenity of the residents of the neighbouring residential dwellings.

Members discussed the application and noted the concerns raised regarding highways and parking. Members felt that people would park outside the premise which, coupled with the traffic from the nearby supermarket and Chinese takeaway, would have an adverse impact on highway safety in the area.

Members also raised concerns in respect of the loss of amenity to the neighbouring residents. They noted that once a class A5 usage was established any type of takeaway

could operate from the premise. Concerns were raised in respect of the suitability of the extraction system due to the location of the extraction flume.

In response to comments made by Members, the Assistant Director – Environment, Planning, and Waste noted that concerns regarding traffic and parking and the impact on neighbouring residents were material planning considerations and acceptable reasons for members to refuse the application.

The Locum Lawyer and the Democratic Services Officer had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Assistant Director – Environment, Planning and Waste, and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor James was given the opportunity to close the debate in accordance with the Council's Constitution.

RESOLVED

THAT the application be refused on the following grounds.

- 1 The proposed development is considered to have a detrimental impact on public highway issues and is therefore considered contrary to Policies DR2 and T11 of the Herefordshire Unitary Development Plan.**
- 2 It is considered that the proposed development will have a detrimental impact on the amenity of dwellings within close proximity to the application site, by means of odour and noise that would be generated from the proposed development. Therefore the proposal is considered contrary to Policies S5, DR2 and DR4 of the Herefordshire Unitary Development Plan.**

88. DMS/102193/F - LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

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 Reynolds, representing Burghill Parish Council, and Mrs Roberts, a local resident, both spoke in objection to the application, and Mr Ball, the applicant's agent, spoke in support.

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

- There were a number of local concerns regarding the highways and road safety.
- 55 metres of hedgerow would have to be removed to allow for a suitable access.
- There was no footpath so people would have to walk along a busy road.
- The site was in a dominant position and would therefore change the character of the area.
- There would be no new employment opportunities as all of the staff would be moved from the current operation.
- The site was not suitable for any further expansion.

The Committee felt that a site inspection would be beneficial to assess the setting and surroundings and to make a judgement on the visual impact of the proposal.

RESOLVED

THAT a site inspection be undertaken on the following grounds.

A judgement is required on visual impact, and;

the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

89. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.20 pm

CHAIRMAN

PLANNING COMMITTEE

15 December 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.

<p>7 DMN/101505/F - Proposed construction of 20 new dwellings and new access road and associated works at Covent Garden, Brockhill Road, Colwall, Herefordshire, WR13 6EY</p> <p>FOR: MR PAUL MCCANN, BANNER HOMES MIDLANDS LTD. 5 BROOKLANDS, MOONS MOAT DRIVE, REDDITCH, WORCESTERSHIRE, B98 9DW</p>
--

ADDITIONAL REPRESENTATIONS

Sixteen further letters of objection have been received on the same grounds as summarised within the report. Three are from occupiers of dwellings who had not previously made representations.

I have received copies of a letter sent by the School and the applicant to Members. The one interesting point made is that it is stated that the merged school has 219 pupils (including 26 boarders) and that prior to the merger the school had 202 pupils (including 18 boarders).

NO CHANGE TO RECOMMENDATION



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	ENFORCEMENT REPORT

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To update the Committee in respect of Planning Enforcement Performance for the period April – October 2010.

Key Decision

This is not a key decision.

Recommendation

That the report be noted

ENFORCEMENT PERFORMANCE - 6 MONTHLY REPORT - APRIL - OCTOBER 2010

There are no national Performance Indicators for planning enforcement. A new Planning Enforcement Policy was brought into operation in December 2010 which includes a requirement for reporting on Enforcement activity to this Committee. The tables below set out the results for the period April - October 2010.

In those six months 438 new enforcement enquiries have been received and 385 cases have been closed.

Cases Opened

Type		Total
D01	Breach of Planning Condition	126
D03	Development Contrary to Approved Plans	36
D04	Unauthorised Operational Development	133
D05	Unauthorised Material Change of Use	83
D06	Unauthorised Works to Listed Buildings	26
D08	Unauthorised Works to Trees in a Conservation Area	1
D09	Unauthorised Advertisement	18
D10	Unauthorised demolition in a Conservation Area	1
D11	Untidy Land	11
LA2	Extension	2
LA5	Other	1
Total		438

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

Cases Closed

Type		Total
D01	Breach of Planning Condition	62
D03	Development Contrary to Approved Plans	37
D04	Unauthorised Operational Development	101
D05	Unauthorised Material Change of Use	79
D06	Unauthorised Works to Listed Buildings	17
D08	Unauthorised Works to Trees in a Conservation Area	2
D09	Unauthorised Advertisement	20
D11	Untidy Land	8
D12	Various Breaches	1
D13	Unauthorised Access	1
D14	Unauthorised Business Use	7
D15	Unauthorised Building	26
D17	Engineering Operations	2
D18	Unauthorised Householder Ext	8
D19	Unauthorised Mobile Home	3
D23	Unauthorised Signs	1
D24	Unauthorised Structures	5
D26	Unauthorised Works to a Hedgerow	1
LA5	Other	4
Total		385

Enforcement Outcomes

Type		Total
C01	No Apparent Breach (not development)	73
C02	No Apparent Breach (permitted development)	64
C03	Immune from Action (4/10-year rule)	5
C04	Not Expedient to Take Action	34
C05	Resolved through Negotiation or Compliance	82
C06	Resolved by Planning Permission being Approved	52
C07	Enforcement Action Taken – Compliance Secured	6
C08	Passed on to other Service Area	3
Total		319



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMN/102045/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) AT LAND AT OAKCHURCH FARM, CHURCH ROAD, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NE</p> <p>For: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 9 August 2010

Ward: Castle

Grid Ref: 337345,244877

Expiry Date: 19 January 2011

Local Member: Councillor JW Hope

1. Introduction

- 1.1 This application forms one of four applications (by the applicants) to 'continue to erect, take down re-erect polytunnels on a rotational basis around fields as required (retrospective)'.
- 1.2 The Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers, including the applicants, agreed to submit annual checklists and plans indicating the areas where polytunnels would be used.
- 1.3 As a result of a High Court appeal (Hall Hunter Partnership versus first Secretary of State and Waverley Borough Council and Tuesday Farm Campaign/Residents Group (Queen Bench Division, Administrative Court, Sullivan J, 15 December 2006) (2006), EWHC 3482 (Admin), the voluntary code of practice was discontinued and the Council has encouraged growers to regularise their polytunnel developments by means of formal planning applications.
- 1.4 In the case of this proposal and the other three applications within close vicinity of the site subject to this application, the proposed development has been subject to extensive pre-application negotiations between the applicants, their representatives and officers of the Council. Consequently, the applicants submitted to the Council a request for a Screening Opinion under Environmental Impact Assessment (EIA) (England and Wales), Regulations 1999 to which the Council in its EIA Screening Opinion, dated 18 January 2010, confirmed that in its opinion the proposed development required an Environmental Statement to accompany it for formal planning consideration.
- 1.5 The applicants appealed this decision under Regulation 5 (6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1994 (S. I. 1999/293 to the Secretary of State, Government Office for the West Midlands), who in their

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

decision dated 10 June 2010 concluded that the proposed development was not 'EIA development' within the meanings of the 1999 Regulations.

- 1.6 The four applications made by the applicants for the continuation of polytunnel development equate to a land area of some 210 hectares, of which the applicants have indicated that up to 80 hectares will be under 'polytunnel development' at any one time (the applicants also grow fruit which does not require polytunnel development in the form of gooseberries). It was the cumulative impact on the surrounding landscape and drainage issues of this development that formed the main basis for the Council's decision that the proposal needed to be subject to EIA.

2. Site Description and Proposal

- 2.1 The land area subject to this application is for 23 hectares and the site area is located to the north of the A438 Hereford – Brecon/Kington public highway within close proximity to the village of Staunton-on-Wye where the applicants main farm holding is situated (Oakchurch Farm) and, therefore, it is this application site that forms the hub for the other three sites as all fruit is transported back on a daily basis to Oakchurch Farm and prepared for despatch mainly to Man of Ross Ltd which is situated near to Ross-on-Wye. Most of the seasonal fruit pickers employed by the applicants reside during the fruit picking season in caravans situated on a site adjacent to Oakchurch Farm and these do have the benefit of planning permission.
- 2.2 The land proposed for polytunnel development is mainly situated to the east of the main core of Staunton-on-Wye on land that surrounds the main farm holding known as Oakchurch Farm.
- 2.3 Within this area is the Grade I listed church of St Mary. The proposed polytunnel area being mainly to the west and north east of the church (the land to the west being separated from the church by an unclassified public highway that connects the A438 to Staunton-on-Wye village, as well as various dwellings outside of the control of the applicants, and land within their control (land not proposed for polytunnel development). To the north of the application site there is a scheduled ancient monument in the form of a 'moated' site.
- 2.4 The topography of the land is basically such that it rises slightly from the A438 (to the south), in a northerly direction and the fields subject to the polytunnel development are mainly surrounded by natural hedgerows, many of which have been allowed to grow taller (than the average) in order to provide some screening to the relevant field use.
- 2.5 The applicant proposes raspberry and strawberry production on this site on a 'seasonal rotational basis' where the fruit is grown directly in the ground over a cycle of years (depending on the fruit grown – raspberries having a longer life cycle than strawberries) in a 'spanish type' polytunnel which has a height of between 2.0 and 2.7 metres. Spanish tunnels consist of a tubular steel galvanised framework make-up of 'Y' shaped legs of 1.5 to 2.0 metres length, with fluted ends which are wound by machine into the ground to a depth of 0.5 to 0.75 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide, situated in multiple parallel rows.
- 2.6 The clear polythene coverings are placed over the metal frames for the duration of the growing season of the specific crop under cover, usually during the period April to November. Once the particular crop harvesting season is over, the polythene coverings are removed and if the particular crop is to remain in situ for the following season 'Y' posts and hoops are left in place over the winter period in readiness for covering under polythene for the following 'fruit season'.
- 2.7 Information submitted in support of the application indicates the polythene has an average life of 3 years at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, page 17, paragraph 4.8).

- 2.8 The application is accompanied by a Design and Access Statement, separate appraisals for Ecology and Nature Conservation, Landscape and Visual Impact Assessment, Archaeological Assessment, Transport Statement, Irrigation Water Usage Evaluation, Drainage Appraisal, Agricultural and Financial Appraisal, Statement of Community Involvement, set of suggested 10-year rotation plans, site area plans and polytunnel sectional plan. The applicants also submitted additional archaeological information in the form of an addendum, in relationship to impacts of the proposed development on the conservation area within close proximity to the application site, and a scheduled ancient monument located to the north of the application site.
- 2.9 In compliance with the provisions of the Conservation of Habitats and Species Regulations 2010, Habitats Regulations Assessment, a screening report has been completed for the application site. Natural England were consulted on the screening report and have confirmed that they are in agreement with the findings of 'no likely significant effect' upon the River Wye SAC.

3. Policies

3.1 Central Government Advice of Relevance

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 Guidance 13 – Transport

Planning Policy Statement 25 – Development and Flood Risk

3.2 Regional Planning Guidance

The Regional Spatial Strategy for the West Midlands

3.3 Herefordshire Unitary Development Plan Policies

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR13	-	Noise
E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Diversification
E13	-	Agricultural and Forestry Development
T6	-	Walking
LA2	-	Landscape Character and Areas Least Resilient to Change

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

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
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH3	-	Scheduled Ancient Monuments

3.4 Herefordshire Supplementary Planning Guidance/Documents

SPG	-	Landscape Character Assessment (up-dated 2009)
SPD	-	Biodiversity (Interim 2005)
SPD	-	Polytunnels 2008

4. **Planning History**

- 4.1 None identified. However, the other three applications currently under planning consideration have some relevance. These namely are:
- 4.2 N/102046/F – Land at Hinton and Norton Farms, Norton Canon.
- 4.3 N/102047/F – Land at Bishopstone Court Farm, Bishopstone and Bridge Sollars.
- 4.4 N/102048/F – Land at Brobury Farm, Brobury with Monington.

5. **Consultation Summary**

- 5.1 Environment Agency raise no objections. However they state due to the scale and cumulative size of the proposed development that they consider there is potential for significant impact on the surface water drainage regime in the area. Comment is made that the development is considered appropriate for Flood Zone 1, (EA flood zone low probability based on EA indicative flood zone maps). The findings of the applicants flood risk assessment are considered acceptable in that polytunnel drainage is an agricultural drainage issue and not an urban drainage issue and that the proposed 'leg row' drainage method will control surface water run-off and mitigate soil erosion. However they consider it essential that leg row channels/swales are constructed in accordance with the dimension set out in the flood risk assessment and recommend a condition with regards to the scheme for the provision and implementation of a surface water regulations system, as described in the flood risk assessment submitted in support of the application being attached to any approval notice issued.
- 5.2 English Heritage recommends that any potential detrimental effect of the proposed development be mitigated by removal of areas of land considered likely to have an impact on Scheduled Ancient Monuments, setting of Listed Buildings (St Mary's church) and Conservation Areas.

- 5.3 Natural England recommends conditions or planning obligations to be used to mitigate the harmful aspects of the development.

Internal Council Advice

- 5.4 The Archaeological Adviser recommends that no polytunnels be permitted within at least 100 metres of the Staunton-on-Wye moated site. (A Scheduled Ancient Monument).
- 5.5 The Environmental Health Manager recommends a note be attached to any approval notice issued reminding the applicants with regards to a number of areas of 'unknown litter ground' which could be associated with potentially contaminative materials and seeking specialist advice should any be encountered.
- 5.6 The Transportation Manager raises no objections. In a further memo received on 26 November 2010 in response to further negotiations between the applicant and Case Officer, in response to concerns about the impact on 'Field Cottage' adjacent to the western fringe of the application site and improved access and parking on site from the adjacent A438, the Transportation Manager recommends conditions with regards to visibility be attached to any approval notice.
- 5.7 Public Rights of Way Manager recommends a corridor of at least 5 metres is allowed adjacent to the footpath which runs west to east across the application site and that the legal line of the footpath must not be obstructed at any time.
- 5.8 The Conservation Manager states in consideration of Staunton-on-Wye Church:

The essence of the present setting is that the churchyard is elevated and open on three sides with low buildings of traditional type on the west boundary only. In addition, the land rises to the north, which will give additional prominence to any structures there. The nature of polytunnels is that they are very eye catching, and their presence so close to the church would, in my opinion, detract from the openness and visual quality of the setting of the church and churchyard. The rise in the ground to the north, which peaks there, suggests that it might be possible for tunnels to be sited further to the north and not be seen from the churchyard. This could be established by observation of a vertical staff on site.

- 5.9 Land Drainage Manager has responded to the application with no comments provided the works detailed in the drainage appraisal are carried out.
- 5.10 The Landscape Manager has responded to the application concluding:

The landscape at Oakchurch can assimilate the proposed polytunnels at this site without overwhelming or destroying the inherent character and view. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters, providing that a condition with regards a detailed landscaping scheme is attached to any approval notice issued.

- 5.11 The Planning Ecologist has responded stating she welcomes proposals for hedgerow enhancement and management, however further details are required regarding these proposals and that the proposals and their implementation can be secured through appropriately worded conditions to any approval notice. Concerns are raised about water usage on site stating there is potential for 113% increase water usage on site, and that this could have a potential for problems upon flows of the River Wye. Comment is made that the use of leg row swales as a method of surface water drainage is welcome, provided that they are to the satisfaction of the EA, and a recommendation is made that a condition with regards to surface water drainage be attached to any approval notice issued.

- 5.12 The Economic Development Manager supports the proposed development stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.
- 5.13 The County Land Agent considers the proposal reasonable, considering the business is financially viable and acknowledged that the polytunnels are necessary for the financial security of the business.
- 5.14 The Forward Planning Manager has responded stating that the policy position is as set out in the Supplementary Planning Document: 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.15 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Representations

- 6.1 Staunton-on-Wye Parish Council supports the application subject to the applicant adhering to all relevant legislation.
- 6.2 Campaign for the Protection of Rural England state that between 50 and 60 per cent of the land identified in the application is either in or on the edge of the village, thus creating an intrusive element into the landscape setting of the settlement in which there is an important conservation area. Concerns are also raised about the impact on the parish church of St Mary and surrounding public highway network in consideration of the fact that this application site forms the hub of the business for the other three sites also under planning consideration.
- 6.3 The National Farmers Union (Herefordshire) recommends approval stating *the practice of using Spanish polytunnels is a well recognised and accepted method of ensuring the quality and standard of the produce that is produced for the eventual consumption of the British public. The use of these polytunnels in the current market conditions is vital for the continued economic viability of British agriculture as a whole, and as such the farming community in Herefordshire.*
- 6.4 Several letters of support have been received from businesses who have a connection to the development subject to this application. Also six letters of support from residents within Herefordshire have been received. The letters mainly indicate the importance of the fruit business to the economic prosperity of Herefordshire, a number of the letters from businesses indicating their business connection and the importance of 'Oakchurch Fruit Farm' to their future prosperity.
- 6.5 One letter of objection has been received. However, this letter was subsequently withdrawn, as a result of further negotiation between the applicant and objector (in this instance the Case Officer considered the objection received to be very relevant in consideration of relevant planning policies) to the application and was also involved in the further discussions.
- 6.6 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

7. Officer's Appraisal

- 7.1 When considering applications for polytunnel development in relationship to 'fruit production' consideration has to be given to balancing the economic benefits against the environmental impacts, which is mainly the visual impact.

7.2 The key issues in relationship to this application are:

- Economic benefits
- Landscape impact (including cumulative and visual)
- Ecological issues
- Residential amenity
- Public Highway issues
- Historic impact
- Surface water drainage

Economic Benefits

7.3 There is no doubt that polytunnels enable greater quantity and quality of soft fruit production than those grown in open conditions that can be subject to variation of the British weather climate.

7.4 The applicants have indicated that the business would not be viable without the use of polytunnels as national supermarkets expect a consistent volume and quality of fruit over the fruit production season.

7.5 Information submitted in support of the application indicates the Oakchurch Fruit Farm business spends some £1.4 million each year within Herefordshire. Clearly, a large amount of this is as a result of the better quality and quantity of fruit produced under polythene.

7.6 Planning policy at both national and local level recognises the importance of the agricultural sector in both the national and local economy.

7.7 Polytunnels have two main benefits:

- They protect developing fruit from rain damage and thus reducing losses and greater consistency in picking intervals in consideration of extreme weather conditions.
- They extend the overall growing season.

7.8 Government Policy supports more production of 'home grown' soft fruit and thus reducing food miles. Home produced fruit is therefore more sustainable and thus making a positive contribution to reduction in global warming.

7.9 It is accepted that the majority of the seasonal fruit pickers employed by Oakchurch are from Eastern Europe (some 218 persons over the four separate application sites). However, these do make a positive contribution to the local economy, shops/public houses/restaurants etc and help off-set other economic benefits to local businesses/services who supply Oakchurch Fruit Farm with various products etc, as pointed out in some of the letters in support of the application.

7.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased qualities and quantities of soft fruit has a sustainable benefit in reducing food miles, while making a positive economic contribution towards the rural economy.

Landscape Impacts (including both visual and cumulative)

7.11 Polytunnel development must not be allowed at any environmental costs, as all of the various planning considerations need to be balanced.

7.12 The application proposes a rotational plan for the fruit production and it is this that is considered the key environmental consideration in respect of this application, as the

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

application proposes 23 hectares of fruit production on a 30 hectare holding, in a location which has no nominal landscape designations.

- 7.13 The applicants have indicated their willingness to sign a Section 106 agreement under the Town and Country Planning act 1990 restriction fruit production over four separate application sites to 80 hectares at any one time over a total area of approximately 210 hectares. (See Draft Heads of Terms attached to this report).
- 7.14 The landscape and visual impact assessment in support of the proposal identifies what is considered the most relevant viewpoints, and it is acknowledged that there will be a high visual impact from some of the public rights of way running within or adjacent to the site. It is considered that there are few direct views from within the settlement of Staunton-on-Wye onto polytunnels themselves as many of the direct views onto the polytunnel areas are screened by existing high hedges as well as the surrounding natural topography.
- 7.15 The church of St Mary which is Grade I listed, is located on the eastern fringe of the village and separated from Staunton-on-Wye village itself by Oakchurch Farm and farmyard and whilst it is acknowledged that from the church there will be a high visual impact onto the application site, the applicants have indicated that they propose not to construct polytunnels on the field to the north of the church, and with appropriate conditions attached to any approval notice providing exclusion zones the visual impact overall is considered low to moderate and therefore acceptable on this issue.
- 7.16 As mentioned earlier the site at Oakchurch Farm itself is the hub of the operations for fruit growing of all four separate application sites' fruit growing areas, and therefore, has a connection to all four and visually there is a cumulative impact between the three sites at Oakchurch, Brobury and Hinton.
- 7.17 All sites have been considered with regards 'cumulative impact' with regard to the capacity of the landscape to accommodate the polytunnel development. Account has been taken of surrounding topography, existing tree and hedgerow cover, surrounding land uses, additional planting as proposed by the applicants and the indicative polytunnel rotational plans submitted in support of the application, and it is considered that on balance with carefully worded conditions attached to any approval notice, with regard to amount of land under polytunnel development being restricted to 17 hectares at any one time and submission of yearly rotation plans, that the proposal is acceptable in consideration of cumulative impact.
- 7.18 It is noted that the Landscape Manager's response to the proposal indicates that the relevant landscape policies and SPD on polytunnel recommendations have been considered, and that no objections are raised subject to a satisfactory condition with regards to a detailed landscaping scheme being attached to any approval notice issued, and that these views are also echoed by Natural England in their response to the proposal. Therefore the proposal on landscape issues is considered acceptable with the above taken into consideration.

Ecological Issues

- 7.19 It is noted that the Planning Ecologist raises no issues of concern in respect of ecological issues, in respect of habitat protection and management, recommending a condition to be attached to any approval notice with regards to habitat protection, enhancement and management scheme. This advice is considered necessary and it is recommended that a condition be attached to any approval notice issued to reflect this issue. The Planning Ecologist raises concerns about water drainage, this issue is considered later in this report in the section on surface water drainage.

Residential Amenity

- 7.20 As mentioned earlier the site is within close proximity to the settlement of Staunton-on-Wye.
- 7.21 In response to officer concerns, the applicants submitted amended plans indicating a reduction in polytunnel area around the property located adjacent to the western boundary known as 'Field Cottage'.
- 7.22 With appropriate conditions attached with regards to buffer exclusion zones, the proposal is considered acceptable and in accordance with SPD on polytunnels with regards to residential amenity.

Public Highway Issues

- 7.23 The surrounding public highways serving Oakchurch Farm site are considered relatively good (mainly the A438 and unclassified 90401 public highway), and whilst it is acknowledged that the Oakchurch site is the 'hub site' from where fruit pickers are transported to all the fruit picking sites and to where fruit picked is delivered and prepared for despatch, the surrounding public highway in recognition of highway matters in consideration of the development with appropriate conditions attached in consideration of the access to 'Field Cottage' alongside the western boundary of the site, (existing access used as access to a residential property as well as access to fields with polytunnels), is considered acceptable and it is noted the Transportation Manager raises no objections considering the analysis as contained in the Transport Assessment submitted in support of the application acceptable.

Historic Impact

- 7.24 The application site abuts St Mary's Church, a Grade I listed building and within close proximity (but not adjoining) is a small Conservation Area within the settlement of Staunton-on-Wye. To the north of the site is a scheduled ancient monument in the form of a moated site.
- 7.25 CPRE in their response to the application raise concerns about no 'buffer zone' between the church and its northern side adjacent to the application site.
- 7.26 The Conservation Manager and English Heritage both note potential detrimental impacts on the setting of adjacent Listed Buildings/Scheduled Ancient Monument and the designated Conservation Area.
- 7.27 The applicants have indicated on landscape strategy amended plan number DLA/290/04b the field to the north of the church as a 'Polytunnel Exclusion Zone' and a field to the east with strengthening to the existing field hedgerow boundary on the western side of the field nearest to the churchyard. This is considered acceptable in consideration of impact on the setting of the church and its surrounding yard.
- 7.28 The Conservation Area is contained within a small section of the village, mainly around the current village school and has no boundaries with existing or proposed polytunnel development. The applicants propose strengthening of hedgerows nearest to the Conservation Area. The Archaeological addendum submitted in support of the application by the applicants, as a result of concerns raised by English Heritage indicate that there will be no significant detrimental impact on the character of the Conservation Area with mitigation, in the form of additional hedgerow strengthening planting. These findings are considered acceptable and English Heritage have raised no objections to the additional information provided.
- 7.29 The Council's Archaeology Manager recommends in consideration of the registered scheduled ancient monument that a buffer zone be established preventing polytunnel development within

100 metres of the monument site. This is considered acceptable and it is recommended that a condition be attached to any approval notice addressing this issue.

- 7.30 With the above taken into consideration, the proposal is considered acceptable on Conservation and historic issues.

Surface Water Drainage

- 7.31 Both the Environment Agency, (EA), and the Planning Ecologist, whilst not objecting to the proposal, do indicate concerns about surface water drainage, recommending a condition be attached to any approval notice with regard to a scheme for the provision and implementation of a surface water regulation system, in accordance with a recommendation as set out in the applicants drainage assessment submitted in support of their application. The applicants use a method of leg row/swales as their method of surface water drainage to which both the EA and Planning Ecologist raise no objections.
- 7.32 The Planning Ecologist also made comment with regard to surface water run off in relationship to water resource requirements.
- 7.33 Water is supplied from a borehole and winter storage reservoirs, to which water is supplied by extraction from the River Wye, and the Planning Ecologist raises concerns that water usage on site could increase by up to 113%, although she acknowledges that this could be controlled by flow restrictions from the EA, if considered necessary. The applicants use a method of 'trickle' water irrigation for their crops and this method is currently exempt from abstraction licensing as pointed out by the Environment Agency in their response to the application.
- 7.34 It is considered that the proposal is acceptable on surface water drainage issues, with the attachment to any approval notice issued a condition with regards surface water drainage, as recommended by the Environment Agency, as such a condition can control the long-term maintenance of whatever system/structure is installed. It is noted that the Planning Ecologist recommends advice be taken and applied with from the Environment Agency on this issue. The Council's Land Drainage Manager raises no concerns in relationship to the application, provided the works described in the drainage appraisal in support of the application are carried out on site. The issue with regards to water resources and management is considered acceptable in consideration of the 'trickle' method of water irrigation used in consideration of current EA legislation. Any approval notice issued with a suitably worded condition with regards to cumulative polytunnel coverage will also help to control this issue.

Conclusions

- 7.35 Whilst it is recognised that polytunnel development on site does have sustainable economic benefits, it is also recognised that the installation of polytunnels on this site can have a significant detrimental impact on the landscape character and its historic setting, and in particular the setting of the listed Grade I St Mary's Church.
- 7.36 However, the economic benefits outweigh these concerns with mitigation and appropriate conditions attached to any approval notice with regards buffer exclusion zones controlling the proposed rotation system, and consequential polytunnel development, with these issues adequately addressed, the proposal is considered acceptable in respect of landscape and historic issues.
- 7.37 It is considered that there are no adverse impacts in respect of highway matters and concerns raised about surface water drainage can be mitigated by the imposition of a condition with regards to surface water drainage, as recommended by the Environment Agency. Water abstraction issues are also considered acceptable with current Environment Agency legislation and conditions attached to any approval notice controlling amount of polytunnel coverage at

any one time. Furthermore, the applicants have offered a Draft Heads of Terms to form a Section 106 Agreement, under the Town and Country Planning Act 1990, that no more than 80 hectares of land over all four application sites will be under polytunnel development at any one time.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

- 1. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.**

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within 3 months of the date of this decision notice, and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in fields throughout the application site, in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.**

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it being last used for soft fruit production.

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 17 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.

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

11. **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the date of this planning approval. The landscape management plan shall be carried out in accordance with the agreed timetable.**

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

12. **Within 3 months of the date of this decision notice detail and a timetable for works to be completed on site will be submitted and approved in writing by the Local Planning Authority in consideration of the public highway vehicular access from the A438 to the property known as Field Cottage in respect of visibility splays which shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

13. **Any new access gates in relationship to works as indicated in condition number 12 above shall be set back 20 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

14. **A corridor of at least 5 metres wide will be maintained for public footpaths running through the site. (From side to side with footpath in the middle).**

Reason: To ensure that public footpaths remain free of debris and obstruction at all times and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

15. **No polytunnels will be erected on land within 100 metres of the scheduled ancient monument number SAM28877 (Staunton-on-Wye Moated site).**

Reason: In the interests of the historic setting of the scheduled ancient monument and to comply with Policy ARCH3 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Bird**
4. **The application site may includes a number of areas of 'unknown filled ground' which can be associated with potentially contaminative material and as such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development."**

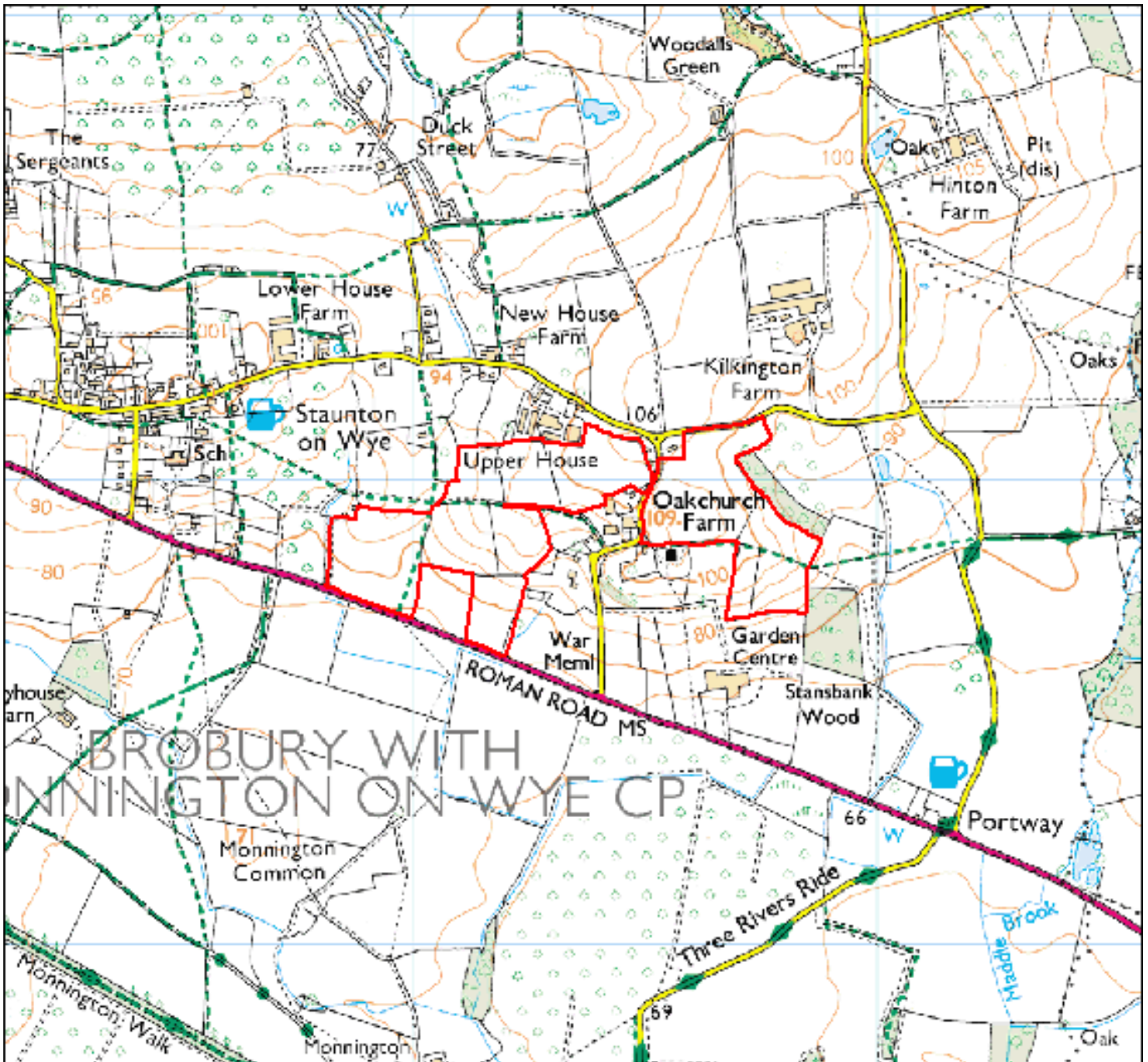
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMN/102045/F

SITE ADDRESS : LAND AT OAKCHURCH FARM, CHURCH ROAD, STAUNTON ON WYE,
HEREFORDSHIRE, HR4 7NE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Applications - DMN/102045/F
- DMN/102046/F
- DMN/102047/F
- DMN/102048/F

Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) on land at Oakchurch Farm, Staunton-on-Wye, land at Upper Norton and Hinton Farm, Norton Canon, land at Bishopstone, forming part of Bishops Court, Bishopstone/Bridge Sollars, and land at Brobury Farm, Brobury, Monnington on Wye.

1. The owners hereby covenant with Herefordshire Council, on behalf of themselves and their successors in title not to erect cause or permit to be erected more than 80 hectares of polytunnels on the land subject to the four above-mentioned applications at any one time.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Philip Mullineux – 29th December 2010



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMN/102046/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) AT LAND AT UPPER NORTON & HINTON FARMS, NORTON CANON, HEREFORDSHIRE, HR4 7LN</p> <p>For: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 9 August 2010 Wards: Castle

Grid Ref: 337719,246000

Expiry Date: 19 January 2011

Local Member: Councillor JW Hope and Councillor AJM Blackshaw (Neighbouring Ward)

1. Introduction

- 1.1 This application forms one of four separate applications (by the applicants), to 'continue to erect, take down re-erect polytunnels on a rotational basis around fields as required (retrospective)'.
- 1.2 The Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers, including the applicants, agreed to submit annual checklists and plans indicating the areas where polytunnels would be used.
- 1.3 As a result of a High Court appeal (Hall Hunter Partnership versus first Secretary of State and Waverley Borough Council and Tuesday Farm Campaign/Residents Group (Queen Bench Division, Administrative Court, Sullivan J, 15 December 2006) (2006), EWHC 3482 (Admin), the voluntary code of practice was discontinued and the Council has encouraged growers to regularise their polytunnel developments by means of formal planning applications.
- 1.4 In the case of this proposal and the other three applications within close vicinity of this site, the proposed development has been subject to extensive pre-application negotiations between the applicants, their representatives and officers of the Council. Consequently, the applicants submitted to the Council a request for a Screening Opinion under Environmental Impact Assessment (EIA) (England and Wales), Regulations 1999 to which the Council in its EIA Screening Opinion, dated 18 January 2010, confirm that in its opinion the proposed development required an Environmental Statement to accompany if for formal planning consideration.
- 1.5 The applicants appealed this decision under Regulation 5 (6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1994 (S.I.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

1999/293 to the Secretary of State, Government Office for the West Midlands), who in their decision dated 10 June 2010 concluded that the proposed development was not 'EIA development' within the meanings of the 1999 Regulations.

- 1.6 The four applications made by the applicants for the continuation of polytunnel development equate to a land area of some 210 hectares, of which the applicants have indicated that up to 80 hectares will be under 'polytunnel development' at any one time (the applicants also grow fruit which does not require polytunnel cover in the form of gooseberries). It was the cumulative impact of the polytunnel development on the surrounding landscape and drainage issues that formed the main basis for the Council's decision that the proposal needed to be subject to EIA.

2. Site Description and Proposal

- 2.1 The land area for this application amounts to 100 hectares and the site mainly straddles the C1088 public highway that connects to the B4230 public highway which runs north towards Weobley and south towards Staunton on Wye and connects to the A480 public highway in a northerly direction, which runs from Norton Canon towards Hereford and the A438 in a southerly direction, which runs from Hereford to the east, towards Eardisley in a westerly direction. The site acts as a satellite growing area for the main site at Oakchurch Farm, where the farmstead provides the central operational hub for all four fruit growing areas. Upper Norton Farm is located approximately 1 kilometre to the north of Oakchurch Farm, south of the village of Norton Canon.
- 2.2 The site is divided into two main blocks of land, the larger of which is separated into two by the C1088 public highway. The more northerly site is the larger covering eight fields enclosed by natural hedgerows. The site further south forms the fields to the east of Hinton Farm.
- 2.3 Public footpaths run across and around the western part of the application site and there are Special Wildlife Sites near Tumpey Ley and Glebeland on the western boundary of the site. Within the site there is a tree with tree preservation order (TPO 196/W1) and several ponds.
- 2.4 The site is in a mainly rural area and the two nearest dwellings that abut the site are found on the western side namely World's End and Tumpey Ley. Other dwellings are located within the surrounding vicinity, but none adjoin the application site.
- 2.5 The application site falls within the landscape character type 'Principle Settled Farmlands', the key characteristics of which are hedgerows used as field boundaries in a dispersed settlement pattern. There is a Special Site of Scientific Interest (SSSI) within approximately 1 kilometre of the site and designated Special Wildlife Sites at Tumpey Ley and Glebeland alongside the western boundary of the site.
- 2.6 Soft fruit proposed under polytunnels at this site are strawberries, raspberries and cherries. The fruit is proposed on a seasonal rotational basis, where the fruit are grown in the ground over a cycle of years, length of time depending on the individual crop (strawberries having a much shorter life cycle, (approx 4 years), than cherries, that can be on site for upto 15 years) in Spanish type polytunnels, which have a height of between 3.0 and 3.7 metres. Spanish tunnels consist of a tubular steel galvanised framework made up of 'Y' shaped legs of 1.5 to 2.5 metres length, with fluted ends which are wound by machine into the ground to a depth of 0.5 to 0.25 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide situated in multiple parallel rows.
- 2.7 The clear polythene coverings are placed over the metal frames for the duration of the growing season of the specific crop under cover, usually during the period April to November. Once the particular crop harvesting season is over the polythene coverings are removed and if the particular crop is to remain on site for the following season the 'Y' posts and hoops are left in

place over the winter period, in readiness for covering under polythene for the following 'fruit season'.

- 2.8 Information submitted in support of the application indicates the polythene has an average life span of 3 years, at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, (submitted in support of the application), page 17, paragraph 4.8).
- 2.9 The application is accompanied by a Design and Access Statement, separate appraisals for Ecology and Nature Conservation, Landscape and Visual Impact Assessment, Archaeological Assessment, Transport Statement, Irrigation Water Usage Evaluation, Drainage Appraisal, Agricultural and Financial Appraisal, Statement of Community Involvement, set of suggested 10-year rotation plans, site area plans and polytunnel sectional plan.
- 2.10 In compliance with the provisions of the Conservation of Habitats and Species Regulations 2010, Habitats Regulations Assessment, a Screening Report has been completed for the application site. Natural England were consulted on the screening report and have confirmed that they are in agreement with the findings of No Likely Significant Effect upon the River Wye SAC.

3. Policies

3.1 Central Government Advice of Relevance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 7 – Sustainable Development in Rural Areas

Planning Policy Statement 9 – Biodiversity and Geological Conservation

Planning Policy Guidance 13 – Transport

Planning Policy Statement 25 – Development and Flood Risk

3.2 Regional Planning Guidance

The Regional Spatial Strategy for the West Midlands

3.3 Herefordshire Unitary Development Plan Policies

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR13	-	Noise
E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Diversification

E13	-	Agricultural and Forestry Development
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
T6	-	Walking
ARCH1	-	Archaeological Assessments and Field Evaluations

3.4 Herefordshire Supplementary Planning Guidance/Documents

SPG	-	Landscape Character Assessment (up-dated 2009)
SPD	-	Biodiversity (Interim 2005)
SPD	-	Polytunnels 2008

4. **Planning History**

- 4.1 None identified. However, the other three applications currently under planning consideration have some relevance. These namely are:
- 4.2 N/102045/F – Land at Oakchurch Farm, Staunton-on-Wye.
- 4.3 N/102047/F – Land at Bishopstone Court Farms, Bishopstone and Bridge Sollars.
- 4.4 N/102048/F – Land at Brobury Farm.

5. **Representations**

Statutory Consultations

- 5.1 Environment Agency acknowledge the retrospective nature of the application and have no objection to the proposed development. However, due to the scale and cumulative size of the application they consider there is a potential for significant impacts on the surface water drainage regime in the area. They acknowledge the information contained in the Flood Risk Assessment which accompanies the application and, in particular, its findings in relationship to surface water run-off. They recommend a condition with regards to a scheme for the provision and implementation of a surface water regulation system, as described in the Flood Risk Assessment, is attached to any approval notice issued. Comment is also made about water abstraction for the purpose of trickle irrigation and its impact on watercourses and the River Wye and its surrounding area of Special Area of Conservation and acknowledging that this is exempt from requiring an abstraction licence. However, if in the future trickle irrigation does become licenceable, justification will be required in respect of the amount of trickle irrigation undertaken and records of amount of water abstracted will be required.
- 5.2 Natural England recommend conditions and planning obligations to be used to mitigate any harmful aspects of the development.

Internal Council Advice

- 5.3 Public Rights of Way Manager raises no objections. However, the response states as the polytunnels run from west to east, that a corridor 5 metres wide is allowed for the footpath which runs south-west to north-east, and that the legal line of the footpath must not be obstructed at any time.
- 5.4 The Archaeology Manager raises no objections stating Offa's Dyke is no closer than 750 metres from any proposed polytunnels, and that the Dyke in this location is not especially well preserved.
- 5.5 The Transportation Manager raises no objections stating the development is acceptable as it will not result in excessive congestion or delays, nor will it contribute disproportionately to increased highway risk.
- 5.6 The Conservation Manager raises no objections stating no historic interests will be affected by this proposal.
- 5.7 Land Drainage Manager has responded with 'no comments' on the proposal, providing the works detailed in the Drainage Appraisal produced by 'Envireau Water' (dated August 2010) are carried out on site.
- 5.8 The Forward Planning Manager has responded stating that the policy position is as set out in the Supplementary Planning Document 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.9 The Landscape Manager has responded to the application concluding:
- Although the landscape at Hinton is sensitive and highly visible from a number of distant locations, I consider that where the mitigation and rotation plans are implemented, then the development is acceptable. The existing framework of hedgerows, trees and woodlands, together with the rolling topography, reduces the impact to some degree. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters provided that a condition is attached to any approval notice requiring a detailed landscaping scheme for works to be undertaken on site.*
- 5.10 The Planning Ecologist has responded to the application stating that she welcomes proposals for hedgerow enhancement and management and that further detail is required regarding these proposals and that the implementation of these measures can be secured through appropriately worded planning conditions. Buffer zones are recommended around some veteran trees within the site. Concerns are raised about surface water run-off and water quality issues, and she welcomes the use of the method of leg row swale drainage provided that it is to the satisfaction of the Environment Agency, recommending that a condition be attached to any approval notice requiring the implementation of a surface water management scheme, as well as monitoring of the situation. Buffer strips are expected along all hedgerows, watercourses and ditches. Comment is also made that existing polytunnels are supplied with water by a trickle irrigation method, which does not currently require a licence from the Environment Agency, for water used, noting water usage could potentially increase by 53%, but this could be subject to flow restrictions from The Environment Agency, if necessary. Recommendation is made that conditions with regards to water management and habitat protection, enhancement and management scheme are attached to any approval notice issued.
- 5.11 The Economic Development Manager supports the application stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.

5.12 The County Land Agent considers the proposal reasonable, considering the business financially viable and acknowledged that the polytunnels are necessary for the financial security of the business.

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

6. Representations

6.1 Staunton-on-Wye Parish Council supports the application subject to the applicant adhering to all relevant legislation.

6.2 Mansel Gamage Parish Council has responded stating:

The Parish Council support in principle but would like to make the following observations:

- *Noise from workers and vehicles should be kept away from dwellings before 6.00am.*
- *Site B – Water run-off to be managed to avoid flooding on the road.*
- *Site C – Concerns were expressed about possible contamination to a private water supply from a spring on Site C.*
- *SSSI at Bishop Common is within 1 kilometre of site. However, the planning application states there is no SSSI within 4 kilometres of site.*

6.3 Campaign for the Protection of Rural England raise concerns about the impact on a public footpath that forms the south-west edge of the western side of the site.

6.4 The Ramblers Association raise concerns about what will happen to footpaths that developers state will run between rows of fruit grown on site. Concerns are also raised about water run-off on to the path surface.

6.5 The National Farmers Union has responded stating:

The practice of using Spanish polytunnels is a well recognised and accepted method of ensuring the quality and standard of the produce that is produced for the eventual consumption of the British public. The use of these polytunnels in the current market conditions is vital for the continued economic viability of British agriculture as a whole and, as such, the farming community in Herefordshire.

6.6 Several letters of support have been received from businesses who have a connection to the development subject to this application as well as six letters of support from residents within Herefordshire. The letters mainly indicate the importance of the fruit business to the economic prosperity of Herefordshire, a number of the letters from businesses indicating their business connection and the importance of 'Oakchurch Fruit Farm' to their future prosperity.

6.7 One letter of objection has been received from a resident within Herefordshire, who travels local roads to his place of work. The letter objects in consideration of impact of the proposal on the surrounding countryside and natural habitats. Objections are also raised due to impact of the proposed development on adjacent public highways to the application site, due to mud, water and pot holes.

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

7. Officer's Appraisal

7.1 When considering applications for polytunnel development in relationship to 'fruit production' consideration has to be given to balancing the economic benefits against the environmental impacts, which is mainly the visual impact.

7.2 The key issues in relationship to this application are:

- Economic benefits.
- Landscape impact (including both cumulative and visual).
- Ecological issues
- Surface water drainage
- Public rights of way

Economic Benefits

7.3 There is no doubt that polytunnels enable greater quantity and quality of soft fruit production than those grown in open conditions that can be subject to variation of the British weather climate.

7.4 The applicants have indicated that the business would not be viable without the use of polytunnels, as national supermarkets expect a consistent volume and quality of fruit over the fruit production season.

7.5 Information submitted in support of the application indicates the Oakchurch Fruit Farm business spends some £1.4 million each year within Herefordshire. Clearly, a large amount of this is as a result of the better quality and quantity of fruit produced under polythene.

7.6 Planning policy at both national and local level recognises the importance of the agricultural sector in both the national and local economy.

7.7 Polytunnels have two main benefits:

- They protect developing fruit from rain damage and thus reducing losses and greater consistency in picking intervals in consideration of extreme weather conditions.
- They extend the overall growing season.

7.8 Government Policy supports more production of 'home grown' soft fruit and thus reducing food miles. Home produced fruit is therefore more sustainable and thus making a positive contribution to reduction in global warming.

7.9 It is accepted that the majority of the seasonal fruit pickers employed by Oakchurch are from Eastern Europe (some 218 persons over the four separate application sites). However, these do make a positive contribution to the local economy, shops/public houses/restaurants etc and help off-set other economic benefits to local businesses/services who supply Oakchurch Fruit Farm with various products etc, as pointed out in some of the letters in support of the application.

7.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased qualities and quantities of soft fruit has a sustainable benefit in reducing food miles, while making a positive economic contribution towards the rural economy.

Landscape Impacts (including both visual and cumulative)

7.11 Polytunnel development must not be allowed at any environmental costs, as all of the various planning considerations need to be balanced.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 7.12 The application proposes a rotational plan for the production of strawberries and cherries over an area of 100 hectares, and it is this that is considered the key environmental consideration in respect of this application, which involves the erection, taking down and re-erection of polytunnels in rotation on site using a similar type polytunnel construction regardless of fruit type, as previously mentioned in this report.
- 7.13 The applicants in support of their application have submitted an 'indicative' rotation plan for a ten-year period from 2011-2020. However, these plans are for illustration purposes only and can only be given limited weight because the applicant cannot predict future market demand, and thus the required growing area can change from season to season.
- 7.14 The Landscape and Visual Assessment in support of the application identifies view points that are representative of the location and from mid and long distance locations there will be moderate to high negative visual impacts, and officers are of the opinion that there will be a very high visual impact on the public rights of ways running either through or adjacent to the site. The Landscape and Visual Assessment concludes that the landscape character of this location is highly sensitive and that the proposals will be of moderate magnitude and high significance, and that the proposal will have a negative impact on the landscape character.
- 7.15 It is considered that the 'cumulative impact' of fruit growing and the consequential polytunnel coverage is the key issue for consideration in relationship to this application. Polytunnel development may well be considered acceptable on site, however, the amount of area under coverage at any one time can have a serious impact on the quality of the overall visual landscape.
- 7.16 The cumulative impact involves consideration to other sites, subject to the other applications, as this site has a cumulative impact in relationship to both the Brobury and Bishopstone sites and to a lesser degree the site at Oakchurch Farm itself. This takes account of surrounding topography, as well as existing tree and hedgerow cover, surrounding land uses and the scale of the proposed development itself.
- 7.17 Clearly where many fields are covered in polytunnels there will be an adverse impact on the character of the surrounding landscape in consideration of the overall cumulative impact in connection to the other application sites within the surrounding vicinity, as well as on the site subject to this proposal itself.
- 7.18 It is considered that the proposed development can be mitigated and the applicant's Landscape Strategy does propose mitigation proposals and these are considered acceptable. The indicative rotation plans indicate proposed polytunnel development over a 10 year period from 2011-2020, and these do indicate polytunnel development broke up through the site in various areas indicating type of fruit to be grown in its particular location.
- 7.19 The proposal is for soft fruit growing on a rotational basis, (time period depending on actual fruit grown), where polythene coverage is only during the 'fruit growing season' and as such, with suitability worded conditions attached to any approval notice restricting areas of soft fruit production and consequently polytunnel coverage, which in this instance in consideration of landscape visual impact, needs to be no more than 40 hectares of the total site area under coverage at any one time, as well as additional landscape mitigation enhancement, by means of additional native planting in order to break up the scale of the development, the proposal on landscape issues is considered acceptable. It is noted that Natural England and the Landscape Manager raise no objections subject to suitably worded conditions attached to any approval notice with regards to a detailed landscaping scheme in relationship to rotational fruit coverage plans.

Ecological Issues

- 7.20 As mentioned earlier, the site is very visible in the surrounding landscape and the Planning Ecologist in her response makes comment about impact on ecological issues.
- 7.21 The proposal involves hedgerow enhancement and management and this is a welcome contribution to the overall proposal. However, further detail is required in respect of these proposals and their implementation, and as pointed out by the Planning Ecologist, these proposals can be secured by appropriately worded planning conditions to any approval notice issued. It is also recommended that such conditions include buffer zones around some veteran trees on site, watercourses and around existing hedgerows on site.

Surface Water Drainage

- 7.22 Concerns have been raised by the Planning Ecologist and the Environment Agency about surface water drainage and water resource requirements. It is considered that surface water drainage issues in relationship to ecology issues can be resolved by the imposition of a suitably worded condition attached to any approval notice issued.
- 7.23 Both the Environment Agency and the Planning Ecologist raise concerns about surface water run off and although the Environment Agency raise no objections to the application, they do consider that there will be significant impact due to the scale and cumulative size of the applications stating there is potential for significant impacts on the surface water drainage regime in the area which need to be addressed.
- 7.24 Under guidelines as set out in Planning Policy Statement 25, polytunnel development is classed as “less vulnerable” and as such the Environment Agency considers the proposal acceptable for the location in terms of flood risk, as the emphasis of the proposal is as an agricultural drainage issue and not that of urban drainage. Polytunnel development can be managed to allow rainwater to be dispersed through ‘leg rows’ that will control surface water run off and mitigate erosion. This is a method welcomed by the Planning Ecologist.
- 7.25 As such, it is recommended in order to ensure that site is sufficiently managed on surface water issues (an issue of concern also highlighted by a local Parish Council and the Ramblers), that a condition be attached to any approval notice requesting a scheme for the provision and implementation of a surface water regulation scheme, as recommended by the Environment Agency in their response to the application.
- 7.26 As well as ensuring an adequate method of controlling surface water run off from the site, it is also essential that the developer makes suitable provision to ensure satisfactory long-term maintenance of the system/structure installed, and this includes relevance to water resources and water extraction from local rivers/streams in order to irrigate the crops under cultivation.
- 7.27 The Planning Ecologist has indicated in her response that water usage on site could increase by up to 53% in consideration of the other subjects for proposed polytunnel development.
- 7.28 The method of water usage on site is proposed by trickle irrigation and this method is currently exempt from requiring an abstraction licence, although there are proposals to control this by requiring developers to apply for abstraction licensing, this is not yet in force. When trickle irrigation does become subject to a licence, the abstractor will need to justify the amount of trickle irrigation they undertake and, therefore, need to keep records of the amount they abstract.
- 7.29 It is considered that the inclusion of a suitably worded condition to any approval notice in respect of cumulative polytunnel coverage and rotation plans as referred to earlier on

landscape issues will also help address concerns about water usage on site and as such the proposed development is considered acceptable on water and drainage issues.

Public Rights of Way

- 7.30 Concerns have been raised about impacts on public rights of way that run adjacent and around the site. The issue with regards visual impact has been considered earlier in this report.
- 7.31 Public footpaths do cross the site where it is proposed to install polytunnels and the Public Rights of Way Manager has requested that a condition of at least 5 metres is included for public footpath number NC18 which runs from west to east through the site. This will not only ensure that the public right of way is not obstructed but also ensures a development free corridor either side of the footpath. It is recommended that a condition be attached to any approval notice indicating a 5 metre clearance along public footpaths.

Other Matters

- 7.32 It is noted that a letter of objection has been received from a member of the public in respect of the development, in relationship to public highway concerns, however the Transportation Manager raises no objections to the proposal on public highway issues.
- 7.33 There are no issues of concern in respect of the historic built environment, as noted in the response from the Conservation Manager.

Conclusion

- 7.34 It is recognised that the provision of polytunnels creates sustainable economic benefits to the county, by means of improved growing conditions for soft fruit production, a fact that has been acknowledged in letters in support to the proposal.
- 7.35 The site area covers a large area, (100 hectares), on a site that is highly sensitive and conspicuous in the surrounding landscape, and although the site itself is not within a landscape designation, the proposal will have an impact on various landscape designations, within the surrounding area, and the proposal has raised concerns in respect of drainage and water issues. However, it is recognised that the environmental as well as the cumulative impact of polytunnel development on the site can be mitigated and controlled by means of a series of planning conditions, which can include conditions to control area of polytunnel coverage at any one time attached to any approval notice issued. Furthermore, the applicants have offered a Draft Heads of Terms to form a Section 106 Agreement, under the Town and Country Planning Act 1990, that no more than 80 hectares of land over all four application sites will be under polytunnel development at any one time.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

1. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within three months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it last being used for soft fruit production.

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 40 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The landscape management plan shall be carried out in accordance with the agreed timetable.

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

12. A corridor of at least 5 metres wide will be maintained for all public footpaths running through the site. (From side to side, with footpath in the middle).

Reason: To ensure that public footpaths remain free of debris and obstruction at all times and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

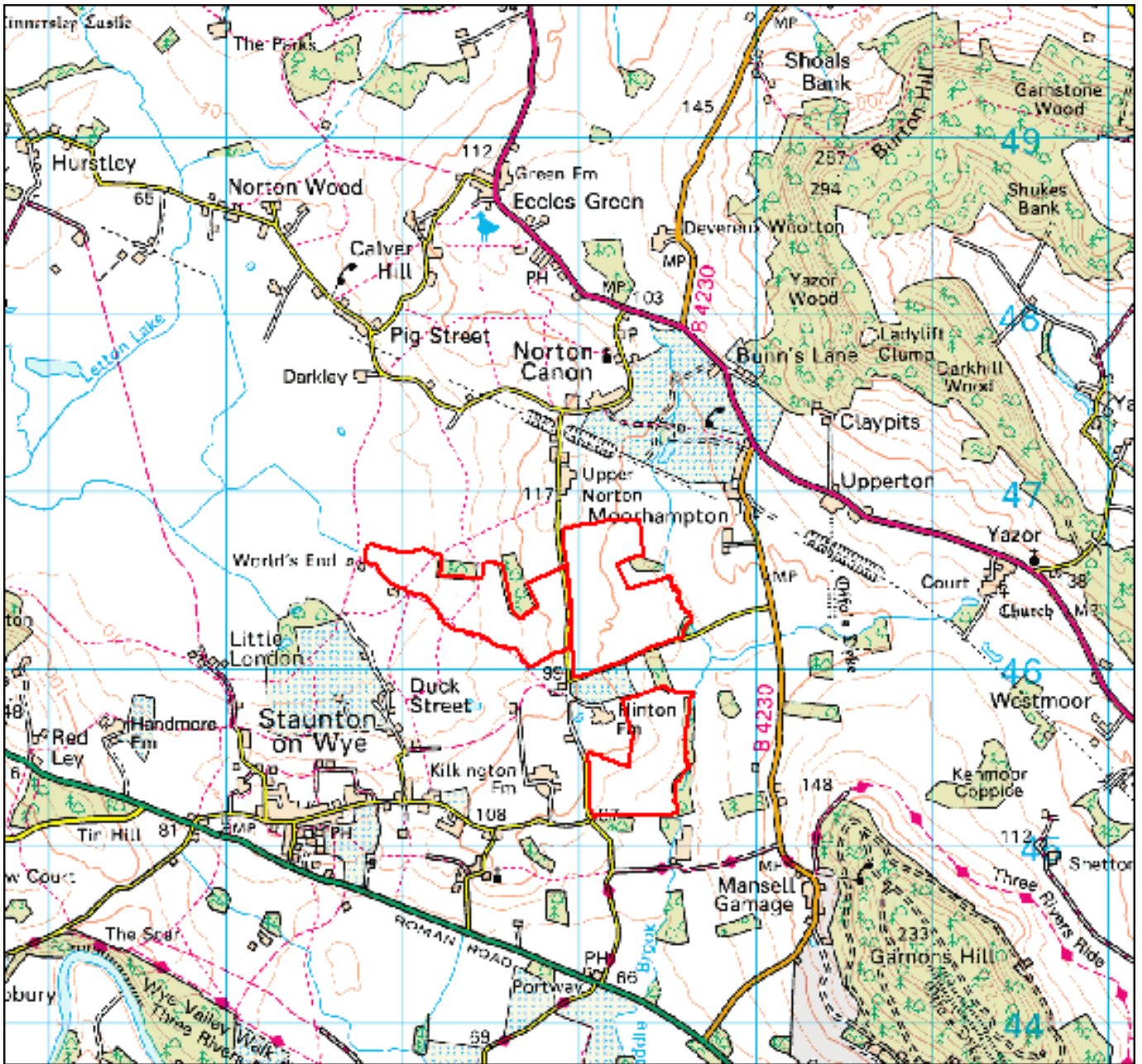
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMN/102046/F

SITE ADDRESS : LAND AT UPPER NORTON &, HINTON FARMS, NORTON CANON, HEREFORDSHIRE, HR4 7LN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Applications - DMN/102045/F
- DMN/102046/F
- DMN/102047/F
- DMN/102048/F

Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) on land at Oakchurch Farm, Staunton-on-Wye, land at Upper Norton and Hinton Farm, Norton Canon, land at Bishopstone, forming part of Bishops Court, Bishopstone/Bridge Sollars, and land at Brobury Farm, Brobury, Monnington on Wye.

1. The owners hereby covenant with Herefordshire Council, on behalf of themselves and their successors in title not to erect cause or permit to be erected more than 80 hectares of polytunnels on the land subject to the four above-mentioned applications at any one time.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Philip Mullineux – 29 December 2010



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMN/102047/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) AT LAND AT BISHOPSTONE FORMING, PART OF BISHOPS COURT, BISHOPSTONE / BRIDGE SOLLARS, HEREFORDSHIRE, HR4 7JQ</p> <p>For: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 9 August 2010 **Ward: Wormsley Ridge** **Grid Ref: 341428,243789**

Expiry Date: 19 January 2011

Local Member: Councillor AJM Blackshaw

1. Introduction

- 1.1 This application forms one of four separate applications (by the applicants), to 'continue to erect, take down re-erect polytunnels on a rotational basis around fields as required (retrospective)'.
- 1.2 The Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers agreed to submit annual checklists and plans indicating the areas where polytunnels would be used.
- 1.3 As a result of a High Court appeal (Hall Hunter Partnership versus first Secretary of State and Waverley Borough Council and Tuesday Farm Campaign/Residents Group (Queen Bench Division, Administrative Court, Sullivan J, 15 December 2006) (2006), EWHC 3482 (Admin), the voluntary code of practice was discontinued and the Council has encouraged growers to regularise their polytunnel developments by means of formal planning applications.
- 1.4 In the case of this proposal and the other three applications all within close vicinity of the site subject to this application, the proposed development has been subject to extensive pre-application negotiations between the applicants, their representatives and officers of the Council. Consequently, the applicants submitted to the Council a request for a Screening Opinion under Environmental Impact Assessment (EIA) (England and Wales), Regulations 1999 to which the Council in its EIA Screening Opinion, dated 18 January 2010, confirms that in its opinion the proposed development required an Environmental Statement to accompany any formal applications for planning consideration.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 1.5 The applicants appealed this decision under Regulation 5 (6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1994 (S.I. 1999/293 to the Secretary of State, Government Office for the West Midlands), who in their decision dated 10 June 2010 concluded that the proposed development was not 'EIA development' within the meanings of the 1999 Regulations.
- 1.6 The four applications made by the applicants for the continuation of polytunnel development equate to a land area of some 210 hectares, of which the applicants have indicated that up to 80 hectares will be under 'polytunnel development' at any one time (the applicants also grow fruit which does not require polytunnel cover in the form of gooseberries). It was the cumulative impact of the polytunnel development on the surrounding landscape and drainage issues that formed the main basis for the Council's decision that the proposal needed to be subject to EIA.

2. Site Description and Proposal

- 2.1 The land area subject to this application is for 57 hectares and acts as a satellite growing area for the main site at Oakchurch Farm where the farmstead provides the central operational hub for all four fruit growing sites.
- 2.2 The site, consisting of five fields, is situated some 10 kilometres west of Hereford and straddles the C1098 public highway, mainly to the west of the hamlet known as 'Bishopstone', some 4 kilometres east of Oakchurch Farm, from where the fruit picked is transported to, ready for despatch, mainly to the 'Man of Ross Ltd' near Ross-on-Wye.
- 2.3 The land is situated in an 'undulating plateau' is sloping towards either the east or south (two separate blocks of land). To the east is 'Garnons Hill' (approximately 1 kilometre) and the northern boundary is formed by a dis-used railway line. There are a number of important landscape and historic designations within the immediate area.
- 2.4 Two public bridleways run through the site. Garnons Hill is a designated 'Special Wildlife Site' as well as containing an ancient and semi-natural woodland and unregistered park and garden.
- 2.5 Bishopstone Court (farmstead within close proximity to the land forming part of Bishopstone Court for polytunnel development) is also an unregistered park and garden and this and the close by church of 'St Lawrence' are Grade I and Grade II* listed. These are both situated approximately 150 metres from the eastern boundary of the application site, being quite well secluded by trees and vegetation.
- 2.6 The block of land most easterly (2 fields), abuts the hamlet of Bishopstone having several dwellings outside the control of the applicant's alongside its eastern and north-eastern boundary.
- 2.7 The applicant proposes raspberry, strawberry and cherry production at this site, on a seasonal rotational basis, where the fruit are grown in the ground over a cycle of years, length of time depending on the individual crop (strawberries having the shortest time period, cherries the longest), in Spanish type polytunnels which have a height of between 3.0 and 3.7 metres. Spanish tunnels consist of a tubular steel galvanised framework made up of 'Y' shaped legs of 1.5 to 2.5 metres length, with fluted ends which are wound by machine into the ground to a depth of 0.5 to 0.75 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide situated in multiple parallel rows.
- 2.8 The clear polythene coverings are placed over the metal frames for the duration of the growing season of the specific crop under cover, usually during the period April to November. Once the particular crop harvesting season is over the polythene coverings are removed and if the

particular crop is to remain on site for the following season the 'Y' posts and hoops are left in place over the winter period in readiness for covering under polythene for the following 'fruit season'.

- 2.9 Information submitted in support of the application indicates the polythene has an average life of 3 years at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, page 17, paragraph 4.8).
- 2.10 The application is accompanied by a Design and Access Statement, separate appraisals for Ecology and Nature Conservation, Landscape and Visual Impact Assessment, Archaeological Assessment, Transport Statement, Irrigation Water Usage Evaluation, Drainage Appraisal, Agricultural and Financial Appraisal, Statement of Community Involvement, set of suggested 10-year rotation plans, site area plans and polytunnel sectional plan.
- 2.11 In compliance with the provisions of the Conservation of Habitats and Species Regulations 2010, Habitats Regulations Assessment, a Screening Report has been completed for the application site. Natural England were consulted on the screening report and have confirmed that they are in agreement with the findings of No Likely Significant Effect upon the River Wye SAC.

3. Policies

3.1 Central Government Advice of Relevance

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 Guidance 13 – Transport

Planning Policy Statement 25 – Development and Flood Risk

3.2 Regional Planning Guidance

The Regional Spatial Strategy for the West Midlands

3.3 Herefordshire Unitary Development Plan Policies

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR13	-	Noise

E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Diversification
E13	-	Agricultural and Forestry Development
LA2	-	Landscape Character and Areas Least Resilient to Change
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
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological Assessments and Field Evaluations

3.4 Herefordshire Supplementary Planning Guidance/Documents

SPG	-	Landscape Character Assessment (up-dated 2009)
SPD	-	Biodiversity (Interim 2005)
SPD	-	Polytunnels 2008

4. **Planning History**

- 4.1 None identified. However, the other three applications currently under planning consideration have some relevance. These namely are:
- 4.2 N/102045/F – Land at Oakchurch Farm, Staunton-on-Wye.
- 4.3 N/102046/F – Land at Hinton and Norton Farms, Norton Canon.
- 4.4 N/102048/F – Land at Brobury Farm, Brobury with Monington.

5. **Consultation Summary**

Statutory Consultations

- 5.1 Environment Agency indicate they are generally supportive of the proposed development but require additional information in relation to the increased water abstraction for trickle irrigation, while noting trickle irrigation is exempt from requiring an abstraction licence. They also recommend a condition for detail with regards to a surface water regulation system to be submitted to the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.
- 5.2 English Heritage have indicated that the proposal will not pose a significant impact upon the settings of the heritage assets documented in the surrounding area.
- 5.3 Natural England recommend conditions and planning obligations to be used to mitigate any harmful aspects of the development.

Internal Council Advice

- 5.4 The Archaeological advisor raises no objections. Comments are raised that Offa's Dyke is within the western vicinity of the site and no closer than 350 metres from any of the proposed polytunnels and that any polytunnels close to Offa's Dyke would give cause for concern in respect of detrimental impact.
- 5.5 The Environmental Health Manager recommends a note be attached to any approval notice issued reminding the applicants with regards to a number of potential areas of 'unknown filled ground' which could be associated with potentially contaminated material and seeking specialist advice should be encouraged.
- 5.6 The Transportation Manager raises no objections indicating the development as acceptable and that it will not result in excessive congestion or delays, and neither will it contribute disproportionately to increased highway risk.
- 5.7 Public Rights of Way Manager raises no objections.
- 5.8 The Conservation Manager has stated:
- Following a careful consideration on site, I noted that the screening afforded by existing and proposed hedges and orchards, the distance of the sites from the buildings and the land form conspire to render the impact of the tunnels directly on these buildings acceptable. This does not necessarily confer acceptance on the wider landscape analysis.*
- 5.9 Land Drainage Manager has responded with no comments on the proposal provided the works detailed in the drainage appraisal are carried out.
- 5.10 The Landscape Manager concludes stating:
- Although the landscape at Bishopstone is sensitive and highly visible from a number of locations, I consider that where the mitigation and rotation plans are implemented, then the development is acceptable. The existing framework of hedgerows, trees and woodlands, together with the rolling topography, reduces the impact to some degree. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters, provided that a condition with regards to a comprehensive 10-year landscape management plan is attached to any approval notice issued.*
- 5.11 The Planning Ecologist raises no objections subject to conditions with regards to a habitat protection, enhancement and management scheme attached to any approval notice issued. This condition is considered necessary due to historic hedgerows around and within the site, buffer zones needed around some veteran trees within the site in order to protect them and uncultivated buffer strips alongside all hedgerows, water courses and ditches within the site. Concerns are raised about surface water runoff and water quality issues. The applicants method of leg-row swales for surface water drainage are welcome, provided that they are to the satisfaction of the Environment Agency. Concerns are raised that water usage on site could increase by up to 198% and that this is a significant increase and that it may be appropriate to reduce the amount of area under polytunnels at any one time to ensure that there is no impact upon water flows in the River Wye Special Area of Conservation.
- 5.12 The Economic Development Manager supports the proposed development stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.

- 5.13 The County Land Agent considers the proposal reasonable, considering the business financially viable and acknowledges that the polytunnels are necessary for the financial security of the business.
- 5.14 The Forward Planning Manager has responded stating that the policy position is a set out in the Supplementary Planning Document: 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.15 The Minerals and Waste Manager has responded indicating there are sand and gravel resources within the site and that no excavated material must be removed from the landholding unless a specific minerals permission has been granted. Concerns are also raised about waste generated on site and its disposal. (Plastic sheeting). Comment is also made that water management/irrigation seems acceptable.

6. Representations

- 6.1 Mansel Lacy Parish Council have responded stating:

The Council wish to object to the application in view of the unsuitability of the Bishopstone Road for heavy vehicles, noting the recent permission of 'unsuitable for heavy vehicles' advisory signage at either end. In addition figure 2 of the Transport Statement appears to indicate that the yellow route includes part of the Bishopstone road within the parish of Mansel Lacy. The Council feels that without long over-due resurfacing the current poor state of this road within the parish will exacerbate to a dangerous level.

- 6.2 Bishopstone Parish Council have responded stating:

The Parish Council support, in principle, but would like to make the following observations:

- *Noise from workers and vehicles should be kept away from dwellings before 6.00am.*
- *Site B - water run-off to be managed to avoid flooding on the road.*
- *Site C - concerns were expressed about possible contamination to a private water supply from a spring on Site C.*
- *SSSI at Bishop Common is within 1 kilometre of site. However, the planning application states there is no SSSI within 44 metres of the site.*

- 6.3 Campaign for the Protection of Rural England make comment that the site is within site of Bishopstone Court and moat, a Grade II listed building, and of the Grade I listed Church of St Lawrence, and that a public trail and bridle path abut two sections of the land identified to the west and south-west of Bishopstone Court. Further comment is made that the route from the fields on this site requires vehicles to travel from them to Oakchurch Farm along the narrow lane running north-south from Bishopstone Court to the junction with the A438. On the way the lane crosses the Roman Road that runs east/west from Kenchester to Garnons; this is another narrow road which is also part of the route for the long distance Wye Valley walk. Heavy farm vehicles along these lanes are a hazard to pedestrians and cyclists.

- 6.4 The National Farmers Union has responded stating:

The practice of using Spanish polytunnels is a well recognised and accepted method of ensuring the quality and standard of the produce that is produced for the eventual consumption of the British public. The use of these polytunnels in the current market conditions is vital for the continued economic viability of British agriculture as a whole and, as such, the farming community in Herefordshire.

- 6.5 Letters of objection have been received from six separate households within the vicinity of the application site.

Objections can be summarised as follows:

- Impact on residential amenity.
- Impact on adjacent public highways
- Fertiliser and pest disease spray contamination from the site.
- Impact on surrounding countryside.
- Litter contamination.

6.6 Several letters of support have been received from businesses who have a connection to the development subject to this application as well as five letters of support from residents within Herefordshire. The letters mainly indicate the importance of the fruit business to the economic prosperity of Herefordshire, a number of the letters from businesses indicating their business connection and the importance of 'Oakchurch Fruit Farm' to their future prosperity.

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

7. Officer's Appraisal

7.1 When considering applications for polytunnel development in relationship to 'fruit production' consideration has to be given to balancing the economic benefits against the environmental impacts, which is mainly the visual impact.

7.2 The key issues in relationship to this application are:

- Economic benefits
- Landscape impact (including both cumulative and visual)
- Ecological issues
- Residential amenity
- Public highway issues
- Surface water drainage
- Historic impact

Economic Benefits

7.3 There is no doubt that polytunnels enable greater quantity and quality of soft fruit production than those grown in open conditions that can be subject to variation of the British weather climate.

7.4 The applicants have indicated that the business would not be viable without the use of polytunnels as national supermarkets expect a consistent volume and quality of fruit over the fruit production season.

7.5 Information submitted in support of the application indicates the Oakchurch Fruit Farm business spends some £1.4 million each year within Herefordshire. Clearly, a large amount of this is as a result of the better quality and quantity of fruit produced under polythene.

7.6 Planning policy at both national and local level recognises the importance of the agricultural sector in both the national and local economy.

7.7 Polytunnels have two main benefits:

- They protect developing fruit from rain damage and thus reducing losses and greater consistency in picking intervals in consideration of extreme weather conditions.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- They extend the overall growing season.
- 7.8 Government Policy supports more production of 'home grown' soft fruit and thus reducing food miles. Home produced fruit is therefore more sustainable and thus making a positive contribution to reduction in global warming.
- 7.9 It is accepted that the majority of the seasonal fruit pickers employed by Oakchurch are from Eastern Europe (some 218 persons over the four separate application sites). However, these do make a positive contribution to the local economy, shops/public houses/restaurants etc and help off-set other economic benefits to local businesses/services who supply Oakchurch Fruit Farm with various products etc, as pointed out in some of the letters in support of the application.
- 7.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased qualities and quantities of soft fruit has a sustainable benefit in reducing food miles, while making a positive economic contribution towards the rural economy.

Landscape Impacts (Including visual and cumulative impact)

- 7.11 Polytunnel development must not be allowed at any environmental costs, as all of the various planning considerations need to be balanced.
- 7.12 The application proposes a rotational plan for the fruit production and it is this that is considered the key environmental consideration in respect of this application, the application proposing 57 hectares of fruit production which will involve the erection, taking down and re-erection of polytunnels in rotation on site for either strawberry, raspberry and cherry production on site using a similar type polytunnel construction regardless of fruit type as previously mentioned in this report.
- 7.13 The applicants in support of their application have submitted an 'indicative' rotation plan for a ten-year period from 2011-2020. However, these plans are for illustration purposes only and must not be given too much weight because the applicant cannot predict future market demand, and thus the required growing area can change from season to season.
- 7.14 It is considered that the 'cumulative impact' of fruit growing and the consequential polytunnel coverage is the key issue for consideration in relationship to this application. Polytunnel development may well be considered acceptable on site, however, the amount of area under coverage at any one time can have a serious impact on the quality of the overall visual landscape.
- 7.15 It is noted that the Council's Landscape Manager in the response received states that the landscape at Bishopstone is sensitive and highly visible from a number of locations, and that where mitigation and rotation plans are implemented, that the development would be acceptable with the inclusion of a condition to any approval notice issued requesting a detailed landscaping scheme in order to help mitigate the development into the surrounding landscape. This is also a view shared by Natural England in their response.
- 7.16 It is your officer's opinion that the proposal is acceptable in consideration of landscape impact on the understanding that conditions are attached to any approval notice issued restricting the total coverage of polytunnels on site to 25 hectares at any one particular time, ensuring that those on site are distributed over the application site, so as to minimise the cumulative impact. Furthermore the applicants have offered a legal agreement insuring that no more than 80 hectares of land will be covered under polytunnels at any one time over the four application sites inclusive, under consideration. (See Draft Heads of Terms attached to this report).

Ecological Issues

- 7.17 The Planning Ecologist raises no objections subject to a condition requiring a habitat protection, enhancement and management scheme being submitted to the Local Planning Authority within 3 months of any planning approval. This recommendation is considered appropriate and it is recommended that a condition is attached to any approval notice in respect of this recommendation. Concerns have been raised by the Planning Ecologist about surface water drainage and water resource requirements. This issue is considered later in the section on Surface water drainage.
- 7.18 The Minerals and Waste Manager raised concerns about water generated on site and its method of disposal. The applicants have indicated that plastic sheeting is baled and taken to a recycling plant for disposal. This method is considered acceptable.

Residential Amenity

- 7.19 The siting of polytunnels in close proximity to residential dwellings understandably gives rise to concern from occupants of such dwellings. This is not only due to visual impact but also in consideration of noise (fruit pickers and wind blowing) and the consequential impact on the residential privacy and amenity of such dwellings.
- 7.20 It is noted that Herefordshire SPG on 'Polytunnels' clearly states in paragraph 4.28 on residential amenity that polytunnels should not be erected within a certain distance of dwelling houses, for example 30 metres depending on the scheme in question.
- 7.21 As a result of close examination of the site area subject to this application, and the surrounding topography and close proximity of the settlement known as Bishopstone, it is your officer's opinion that a condition should be attached to any approval notice issued preventing polytunnel or any associated development such as storage facilities, servicing area, staff congregating areas within 30 metres of any dwelling's curtilage to the application site. This would conform with the Council's advice as set out in the SPG on 'Polytunnels', while also addressing local concerns about spray drift contamination from the crops to private residential curtilages.

Public Highway Issues

- 7.22 It is noted that the Council's Transportation Manager raises no objections on highway matters. The site is reasonably well served by adjacent public highways and the applicants Transport Statement in support of their application gives a detailed explanation of projected transport movements as a result of the proposed development. It is your Officer's opinion that the application is considered acceptable on public highway issues.
- 7.23 It is noted that a local Parish Council and member of the public raise issues about surface water drainage issues in relationship to the site, in consideration of its impact on the adjacent public highways, and this issue is considered as part of the following section on 'Surface Water Drainage'.

Surface Water Drainage

- 7.24 The Environment Agency in their response to the application have raised concerns about surface water drainage and flood risk due to the scale and cumulative size of the application, stating there is potential for significant impacts on the surface water drainage regime in the area which needs to be addressed.

- 7.25 In consideration of the surrounding land topography, the site being located in an undulating plateau, and visits to the site on various occasions by officers of the Council, this is considered a relevant issue. However, it must also be noted that as the site is located in an 'undulating plateau on a valley floor' the site is vulnerable to surface water seepage from land outside the control of the applicants, an issue clearly evident during the 'potato harvesting season'.
- 7.26 The applicants currently get their water resource requirements by means of abstraction from three boreholes and a small buffering reservoir and the existing polytunnels are supplied by a method of trickle irrigation which does not currently require a water abstraction licence from the Environment Agency. (EA).
- 7.27 Comment is made by the EA that the River Wye is designated a Special Area of Conservation, (SAC), and as such proposals for a new water abstraction licence or an application to increase an existing licence will be assessed as to the impact on the SAC. Therefore when trickle irrigation does become licenceable, the abstractor will need to justify the amount of trickle irrigation they undertake.
- 7.28 In order to alleviate the problem with regards surface water drainage, it is recommended that a condition requesting a scheme for the provision and implementation of a surface water regulation system is submitted to the Local Planning Authority within a reasonably given time period to any approval notice issued (application is retrospective in part). This is a recommendation from the Environment Agency in their response to the application. The Land Drainage Manager raises no objections provided advice as given by the EA is adhered to.
- 7.29 As acknowledged, the applicants method of 'trickle' irrigation is exempt from the requirements for a licence and any issues of concern about net increase in water usage on site can also be controlled by the attachment to any approval notice conditions as discussed earlier, in respect of amount of polytunnel coverage on site at any one time. With the above taken into consideration, the proposal is considered acceptable on water issues.

Historic Impact

- 7.30 It is acknowledged that the site is within close proximity to Bishopstone Court, a Schedule Ancient Monument (Grade II* listed) and St Lawrence Church (Grade I listed), however, as noted by the Conservation Manager, these sites are reasonably well screened by existing hedges and orchards, to which the applicant intends also reinforcing with additional landscaping and, as such, in consideration of the distance of these sites from the polytunnel development and local land form, it is considered that impact on the historic setting is acceptable. It is noted that English Heritage do not raise any objections on this issue.

Conclusion

- 7.29 The production of fruit on this site and the consequential necessary polytunnel development clearly contribute positively to the applicants overall business and to the sustainable economic viability of Herefordshire, as clearly referred to in numerous letters of support to the application.
- 7.30 On balance any detrimental affects of the development on the surrounding landscape, which is considered sensitive and historic sites within close proximity are considered acceptable, as issues of concern can be adequately mitigated by way of a series of planning conditions with regards to additional landscaping, (where considered necessary), and limiting where polytunnels can be situated, both in consideration of cumulative impact, and its affects on the visual quality of the surrounding landscape and residential amenity by means of the provision of buffer zones. It is noted that the relevant consultees on the historic built environment raise

no objections. Surface water drainage and water abstraction issues are also considered acceptable with mitigation as discussed in this report.

- 7.31 Furthermore with respect to cumulative impact the applicants have offered a Draft Heads of Terms under Section 106 of the Town and Country Planning Act 1990, that no more than 80 hectares of land over all four application sites will be under polytunnel development at any one time.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

- 1. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.**

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within 3 months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.**

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. **No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.**

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. **No polytunnel will exceed 3.9 metres in height above existing ground level.**

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. **In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it being last used for soft fruit production.**

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. **None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. **No more than 25 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. **None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.**

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. **A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.**

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local planning Authority, within three months of the date of this planning approval. The landscape management plan shall be carried out as approved.

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

INFORMATIVES:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 – Avoidance of doubt – Approved Plans
3. I 30 - N11A Wildlife and Countryside Act 1981 (as amended) – Birds
4. The application site may include a number of areas of 'unknown filled ground' which can be associated with potentially contaminative material and as such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMN/102047/F

SITE ADDRESS : LAND AT BISHOPSTONE FORMING, PART OF BISHOPS COURT,
BISHOPSTONE/BRIDGE SOLLARS, HEREFORDSHIRE, HR4 7JQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Applications - DMN/102045/F
- DMN/102046/F
- DMN/102047/F
- DMN/102048/F

Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) on land at Oakchurch Farm, Staunton-on-Wye, land at Upper Norton and Hinton Farm, Norton Canon, land at Bishopstone, forming part of Bishops Court, Bishopstone/Bridge Sollars, and land at Brobury Farm, Brobury, Monnington on Wye.

1. The owners hereby covenant with Herefordshire Council, on behalf of themselves and their successors in title not to erect cause or permit to be erected more than 80 hectares of polytunnels on the land subject to the four above-mentioned applications at any one time.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Philip Mullineux – 29 December 2010



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMN/102048/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) ON LAND AT BROBURY FARM, BROBURY-WITH-MONNINGTON, HEREFORDSHIRE</p> <p>For: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 9 August 2010

Ward: Castle

Grid Ref: 335342,244880

Expiry Date: 19 January 2011

Local Member: Councillor JW Hope MBE

1. Introduction

- 1.1 This application forms one of four separate applications (by the applicants), to 'continue to erect, take down re-erect polytunnels on a rotational basis around fields as required (retrospective)'.
- 1.2 The Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers, including the applicants, agreed to submit annual checklists and plans indicating the areas where polytunnels would be used.
- 1.3 As a result of a High Court appeal (Hall Hunter Partnership versus first Secretary of State and Waverley Borough Council and Tuesday Farm Campaign/Residents Group (Queen Bench Division, Administrative Court, Sullivan J, 15 December 2006) (2006), EWHC 3482 (Admin), the voluntary code of practice was discontinued and the Council has encouraged growers to regularise their polytunnel developments by means of formal planning applications.
- 1.4 In the case of this proposal and the other three applications within close vicinity of this site, the proposed development has been subject to extensive pre-application negotiations between the applicants, their representatives and officers of the Council. Consequently, the applicants submitted to the Council a request for a Screening Opinion under Environmental Impact Assessment (EIA) (England and Wales), Regulations 1999 to which the Council in its EIA Screening Opinion, dated 18 January 2010, confirmed that in its opinion the proposed development required an Environmental Statement to accompany if for formal planning consideration.
- 1.5 The applicants appealed this decision under Regulation 5 (6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1994 (S. I.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

1999/293 to the to the Secretary of State, Government Office for the West Midlands), who in their decision dated 10 June 2010 concluded that the proposed development was not 'EIA development' within the meanings of the 1999 Regulations.

- 1.6 The four applications made by the applicants for the continuation of polytunnel development equate to a land area of some 210 hectares, of which the applicants have indicated that up to 80 hectares will be under 'polytunnel development' at any one time (the applicants also grow fruit which does not require polytunnel development in the form of gooseberries). It was the cumulative impact of this development on the surrounding landscape and drainage issues that formed the main basis for the Council's decision that the proposal needed to be subject to EIA.

2. Site Description and Proposal

- 2.1 The land area for this application amounts to 33.5 hectares and the site is situated on the southern side of the A438 public highway, running alongside the C1185 public highway which leads from the A438 and Staunton-on-Wye towards the hamlets of Brobury and Bredwardine. Another unclassified public highway breaks the site into two separate areas and this roadway also leads from the A438 towards Brobury. The site acts as a satellite growing area for the main site at Oakchurch Farm, where the farmstead provides the central operation hub for all four fruit growing areas. Oakchurch Farm is located some two kilometres, in an easterly direction from the Brobury site.
- 2.2 The site consists of two blocks of land and straddles the C1185 public highway which is located alongside its northern boundary, to the north of this highway is 'Tin Hill Wood' which provides a good screening cover for the site from a northerly direction. Tin Hill Wood and Monington Coppice which is situated to the south-east of the site, (but not adjoining), are both classed ancient woodlands.
- 2.3 The site is within close proximity (260 metres in a southerly direction) from the River Wye and the Wye Valley Walk, this area is a designated Special Site of Scientific Interest (SSSI) and special wildlife site.
- 2.4 Other landscape designations within the surrounding area to the site are Moccas Court, a Grade II* registered park and garden, Brobury Scar, a provisional local geological site with SSSI designations, and various ancient woodlands.
- 2.5 Soft fruit proposed under polytunnels at this site are strawberries and cherries (gooseberries are also grown but these do not require polytunnel cover). The fruit is proposed on a seasonal rotational basis, where the fruit are grown in the ground over a cycle of years, length of time depending on the individual crop (strawberries having a much shorter life cycle, (approx 4 years, than cherries, approx. 15 years, depending on the variety under propagation, disease and cultivating conditions), in Spanish type polytunnels, which have a height of between 3.0 and 3.7 metres. Spanish tunnels consist of a tubular steel galvanised framework made up of 'Y' shaped legs of 1.5 to 2.5 metres length, with fluted ends which are wound by machine into the ground to a depth of 0.5 to 0.25 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide situated in multiple parallel rows.
- 2.6 The clear polythene coverings are placed over the metal frames for the duration of the growing season of the specific crop under cover, usually during the period April to November. Once the particular crop harvesting season is over the polythene coverings are removed and if the particular crop is to remain on site for the following season the 'Y' posts and hoops are left in place over the winter period, in readiness for covering under polythene for the following 'fruit season'.

- 2.7 Information submitted in support of the application indicates the polythene has an average life span of 3 years, at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, submitted in support of the application), page 17, paragraph 4.8).
- 2.8 The application is accompanied by a Design and Access Statement, separate appraisals for Ecology and Nature Conservation, Landscape and Visual Impact Assessment, Archaeological Assessment, Transport Statement, Irrigation Water Usage Evaluation, Drainage Appraisal, Agricultural and Financial Appraisal, Statement of Community Involvement, set of suggested 10-year rotation plans, site area plans and polytunnel sectional plan.
- 2.9 In compliance with the provisions of the Conservation of Habitats and Species Regulations 2010, Habitats Regulations Assessment, a Screening Report has been completed for the application site. Natural England were consulted on the screening report and have confirmed that they are in agreement with the findings of No Likely Significant Effect upon the River Wye SAC.

3. Policies

3.1 Central Government Advice of Relevance

- 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 Guidance 13 – Transport
- Planning Policy Statement 25 – Development and Flood Risk

3.2 Regional Planning Guidance

- The Regional Spatial Strategy for the West Midlands

3.3 Herefordshire Unitary Development Plan Policies

- S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR6 - Water Resources
- DR7 - Flood Risk
- DR13 - Noise
- E11 - Employment in the Smaller Settlements and Open Countryside
- E12 - Diversification
- E13 - Agricultural and Forestry Development
- LA2 - Landscape Character and Areas Least Resilient to Change

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

LA3	-	Setting of Settlements
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
T6	-	Walking
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
ARCH1	-	Archaeological Assessments and Field Evaluations

3.4 Herefordshire Supplementary Planning Guidance/Documents

SPG	-	Landscape Character Assessment (up-dated 2009)
SPD	-	Biodiversity (Interim 2005)
SPD	-	Polytunnel 2008

4. **Planning History**

- 4.1 None identified. However, the other three applications currently under planning consideration have some relevance. These namely are:
- 4.2 N/102045/F – Land at Oakchurch Farm, Staunton-on-Wye.
- 4.3 N/102046/F – Land at Hinton and Norton Farms, Norton Canon.
- 4.4 N/102047/F – Land at Bishopstone Court Farm, Bishopstone and Ridge Sollars.

5. **Consultation Summary**

Statutory Consultations

- 5.1 Environment Agency acknowledge the retrospective nature of the application and have no objection to the proposed development. However, due to the scale and cumulative size of the application, they consider there is a potential for significant impacts on the surface water drainage regime in the area. They acknowledge the information contained in the Flood Risk Assessment which accompanies the application and, in particular, its findings in relationship to surface water run-off. They emphasise in their response that it is considered essential that leg row channel/swales, (method of surface water drainage), are constructed in accordance with the dimensions set out in the Flood Risk Assessment. Due to the necessary importance that the leg row channels/swales are constructed, they recommend a condition with regards to a scheme for the provision and implementation of a surface water regulation system, as described in the Flood Risk Assessment, is attached to any approval notice issued. Comment is also made about water abstraction for the purpose of trickle water irrigation and its impact on the River Wye and surrounding area of Special Area of Conservation and acknowledging that this method of exemption does not require an abstraction licence. However, if in the future trickle irrigation does become licenceable, justification will be required in respect of the amount of trickle irrigation undertaken and records of amount of water abstracted will be required.

- 5.2 The Forestry Commission raise no objections stating that there will be no effect on any ancient semi-natural woodland as there is none adjacent to the site.
- 5.3 Natural England recommend conditions and planning obligations to be used to mitigate any harmful aspects of the development.

Internal Council Advice

- 5.4 Public Rights of Way Manager raises no objections stating the proposed development will not affect public rights of way.
- 5.5 The Transportation Manager raises no objections stating the development is acceptable as it will not result in excessive congestion or delays, nor will it contribute disproportionately to increased highway risk.
- 5.6 The Conservation Manager raises no objections stating no historic interests will be affected by this proposal.
- 5.7 Land Drainage Manager has responded with 'no comments' on the proposal, providing the works detailed in the Drainage Appraisal produced by 'Envireau Water' (dated August 2010) are carried out on site.
- 5.8 The Forward Planning Manager has responded stating that the policy position is as set out in the Supplementary Planning Document 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.9 The Landscape Manager has responded to the application concluding:

Although the site is highly sensitive, where the described mitigation proposals are undertaken, the landscape at Brobury can assimilate the proposed polytunnels at this site without overwhelming or permanently destroying the inherent character and views. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters providing that a condition is attached to any approval notice requiring a detailed landscaping scheme for works to be undertaken on site.

- 5.10 The Planning Ecologist has responded to the application stating that she welcomes proposals for hedgerow enhancement and management and that further detail is required regarding these proposals and that the implementation of the these measures can be secured through appropriately worded planning conditions. Buffer zones are recommended around some veteran trees within the site. Concerns are raised about surface water run-off and water quality issues, and she welcomes the use of leg row swales as a method of surface water drainage, provided that they are to the satisfaction of the Environment Agency, recommending that a condition be attached to any approval notice requiring the implementation of a surface water management scheme, as well as monitoring of the situation. Buffer strips are expected along all hedgerows, watercourses and ditches. Comment is also made that existing polytunnels are supplied by a method of trickle water irrigation, which does not currently require a licence from the Environment Agency, noting water usage could potentially increase by 108%, but this could be subject to flow restrictions from the Environment Agency, if necessary, and that this may result in the requirement to reduce the amount of area under polytunnels at any one time. Recommendation is made that if the proposal is to be ultimately approved that conditions with regards to water management and habitat protection, enhancement and management scheme are attached to any approval notice issued.
- 5.11 The Economic Development Manager supports the application stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.

5.12 The County Land Agent considers the proposal reasonable, considering the business financially viable and acknowledges that the polytunnels are necessary for the financial security of the business.

6. Representations

6.1 Staunton-on-Wye Parish Council supports the application subject to the applicant adhering to all relevant legislation.

6.2 Campaign for the Protection of Rural England state that land on Tin Hill covered in plastic and/or metal hoops is highly visible from the A438 and looking southwards from the village of Staunton-on-Wye, and that the northern edge of the fields are adjacent to a minor public highway. Further comment is made that although masked to some extent by hedgerows, the plastic will be visible from the well walked stretch of the Wye Valley Walk, that runs along the Monington Scar (SSSI). There are also two areas of ancient woodland nearby (Tin Hill Wood and Monington Coppice).

6.3 The National Farmers Union has responded stating:

The practice of using Spanish polytunnels is a well recognised and accepted method of ensuring the quality and standard of the produce that is produced for the eventual consumption of the British public. The use of these polytunnels in the current market conditions is vital for the continued economic viability of British agriculture as a whole and, as such, the farming community in Herefordshire.

6.4 Several letters of support have been received from businesses who have a connection to the development subject to this application as well as six letters of support from residents within Herefordshire. The letters mainly indicate the importance of the fruit business to the economic prosperity of Herefordshire, a number of the letters from businesses indicating their business connection and the importance of 'Oakchurch Fruit Farm' to their future prosperity.

6.5 One letter of objection has been received from the residents of a local dwelling to the application site. The letter states that while understanding that farmers need to grow crops and make a viable living, this should not be allowed at the expense of the countryside, or other equally important streams of income into Herefordshire. Comment is made that the River Wye has just been voted the most beautiful river in England. Polytunnels need to be discreet and not deter tourists from visiting Herefordshire and the Wye Valley and that the current use of this area is such a site. Comment is further made about the impact on a local garden open to the public and holiday cottages, to which visitors have made comment that allowing polytunnels on such a conspicuous site puts people off returning to the county. The letter concludes urging Committee to reject the application.

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

7. Officer's Appraisal

7.1 When considering applications for polytunnel development in relationship to 'fruit production' consideration has to be given to balancing the economic benefits against the environmental impacts, which is mainly the visual impact.

7.2 The key issues in relationship to this application are:

- Economic benefits.
- Landscape impact (including both cumulative and visual impact).
- Ecological issues

- Surface water drainage

Economic Benefits

- 7.3 There is no doubt that polytunnels enable greater quality and quantity of soft fruit production of a higher average than those grown in open conditions that can be subject to variation of the British weather climate.
- 7.4 The applicants have indicated that the business would not be viable without the use of polytunnels, as national supermarkets expect a consistent volume and quality of fruit over the fruit production season.
- 7.5 Information submitted in support of the application indicates the Oakchurch Fruit Farm business spends some £1.4 million each year within Herefordshire. Clearly, a large amount of this is as a result of the better quality and quantity of fruit produced under polythene.
- 7.6 Planning policy at both national and local level recognises the importance of the agricultural sector in both the national and local economy.
- 7.7 Polytunnels have two main benefits:
- They protect developing fruit from rain damage and thus reducing losses and greater consistency in picking intervals in consideration of extreme weather conditions.
 - They extend the overall growing season.
- 7.8 Government Policy supports more production of 'home grown' soft fruit and thus reducing food miles. Home produced fruit is therefore more sustainable and thus making a positive contribution to reduction in global warming.
- 7.9 It is accepted that the majority of the seasonal fruit pickers employed by Oakchurch are from Eastern Europe (some 218 persons over the four separate application sites). However, these do make a positive contribution to the local economy, shops/public houses/restaurants etc and help off-set other economic benefits to local businesses/services who supply Oakchurch Fruit Farm with various products etc, as pointed out in some of the letters in support of the application.
- 7.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased qualities and quantities of soft fruit has a sustainable benefit in reducing food miles, while making a positive economic contribution towards the rural economy.

Landscape Impacts (including both visual and cumulative)

- 7.11 Polytunnel development must not be allowed at any environmental costs, as all of the various planning considerations need to be balanced.
- 7.12 The application proposes a rotational plan for the production of strawberries and cherries over an area of 33.5 hectares and it is this that is considered the key environmental consideration in respect of this application, which involves the erection, taking down and re-erection of polytunnels in rotation on site using a similar type polytunnel construction regardless of fruit type, as previously mentioned in this report.
- 7.13 The applicants in support of their application have submitted an 'indicative' rotation plan for a ten-year period from 2011-2020. However, these plans are for illustration purposes only and can only be given limited weight because the applicant cannot predict future market demand, and thus the required growing area can change from season to season.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 7.14 It is considered that the 'cumulative impact' of fruit growing and the consequential polytunnel coverage is the key issue for consideration in relationship to this application. Polytunnel development may well be considered acceptable on site, however, the amount of area under coverage at any one time can have a serious impact on the quality of the overall visual landscape.
- 7.15 The cumulative impact involves consideration to other sites, subject to the other applications, as this site has a cumulative impact in relationship to both the Oakchurch and Hinton and Norton Farm sites (2). This takes account of surrounding topography, (site known as Tin Hill), as well as existing tree and hedgerow cover, surrounding land uses and the scale of the proposed development itself.
- 7.16 The indicative rotation plans submitted in support of the application indicate which fields will be covered over a 10-year period and they do ensure that the south facing slopes of Brobury and Oakchurch are not covered in their entirety at the same time, thus helping to reduce the overall cumulative impact.
- 7.17 The site is visible from the A438 and there are also locations along the Wye Valley Walk along the Scar where views into the site are very visible. The Landscape and Visual Assessment in support of the application acknowledge that the landscape character at this location is highly sensitive, and that the proposal will be of moderate magnitude and high significance and that there will be a negative effect on the landscape character.
- 7.18 However, the proposal is for soft fruit growing on a rotational basis, where polytunnel coverage is only during the 'fruit growing season' and, as such, with suitably worded conditions attached to any approval notice, restricting area of soft fruit production and consequentially polythene coverage, which needs to be no more than 16 hectares of the total site area under coverage at any one time, in consideration of the detrimental cumulative impact on the surrounding highly sensitive landscape, if all or more than 16 hectares of the site was covered in polythene, (must be noted application is for 'rotation production'), as well as additional landscape mitigation enhancement by means of additional hedgerow planting strengthening and, in particular, from the direction of the Wye Valley Walk, along The Scar, the proposal is considered acceptable on landscape issues and it is noted that both Natural England and the Landscape Manager raise no objections subject to suitably worded conditions being attached to any approval notice, in respect of a detailed landscaping scheme and rotational fruit cover.

Ecological Issues

- 7.19 As earlier mentioned the site is very visible from the Wye Valley walk on the Scar as well as from the A438 public highway on a site termed by the CPRE as Tin Hill, to which Tin Hill Wood helps reduce the overall visual impact from a northerly direction.
- 7.20 The proposal involves hedgerow enhancement and management and this is a welcome contribution to the overall proposal. However, further detail is required in respect of these proposals and their implementation, and as pointed out by the Planning Ecologist, these proposals can be secured by appropriately worded planning conditions to any approval notice issued. It is also recommended that such conditions include buffer zones around some veteran trees on site, watercourses and around existing hedgerows on site.
- 7.21 Concerns have also been raised by the Planning Ecologist and the Environment Agency about surface water drainage and water resource requirements. It is considered that surface water drainage issues can be resolved by the imposition of a suitably worded condition attached to any approval notice issued.

- 7.22 Water resource requirements are currently supplied from three bore holes and a winter storage reservoir filled by abstraction from the River Wye at a location adjoining 'The Scar'. Polytunnels on site are currently supplied by a method of trickle irrigation for water resources, and this does not currently require a licence from the Environment Agency. The Planning Ecologist in her response to the proposal has raised concerns that water usage on site could increase by up to 108%, however, this could be subject to flow restrictions from the Environment Agency, if considered necessary, and it may well be necessary to reduce the amount of area under polytunnels at any one time, in order to ensure that there is no impact upon water flows in the River Wye.
- 7.23 A further measure to reduce impact on water resources and trickle water irrigation is the attachment to any approval notice of a suitably worded condition on amount of area under polytunnel development at any one time, as earlier discussed (the applicants have proposed a legal agreement under the Town and Country Planning Act 1990 that no more than 80 hectares of land over the four separate fruit growing sites will be under polythene coverage any one time) – see Draft Heads of Terms attached to this report.
- 7.24 With consideration shown to the advice as recommended by the Environment Agency and Planning Ecologist with regard the attachment to any approval notice conditions with regard to habitat and enhancement measures, and surface water drainage, (in consideration of impact on local ecology), as recommended by the Environment Agency, the proposal in consideration of ecological issues is considered satisfactory.

Surface Water Drainage

- 7.25 The site is located within close proximity to the River Wye (less than 400 metres from the boundary) and its river embankment area an SSSI – Monington Scar, a registered SSSI, which is less than 300 metres from the site.
- 7.26 In respect of 'flood risk' the site is located in Flood Zone 1 (this is a low zone probability in consideration of flood risk and the Environment Agency Flood Zone data maps).
- 7.27 In terms of the scale and cumulative size of the proposal and its location, the Environment Agency consider there is potential for significant impacts on the surface water drainage regime in the area and that this will need addressing if the proposal is to be allowed to succeed, (although application is mainly a retrospective proposal, it does allow for increase in polytunnel development in consideration of land proposed for overall rotational development).
- 7.28 The Planning Ecologist has also raised concerns about surface water drainage in relationship to surface water run-off and water quantity issues.
- 7.29 The applicants in support of their application have submitted a detailed land drainage assessment and irrigation water usage evaluation, and these include an evaluation of flood risk assessment, and the Environment Agency acknowledge that these follow the guidelines as set out in PPS25. The Flood Risk Assessment emphasises that the polytunnel drainage is an agricultural drainage issue and not an urban drainage issue. The polytunnels are stated as being actively managed with appropriate placement of polytunnels to allow rainfall to be dispensed through 'leg rows' that will control surface water run-off and mitigate erosion. The Planning Ecologist welcomes the use of 'leg rows' in order to control run-off, and the Environment Agency also support this method of surface water run-off.
- 7.30 The Environment Agency (EA) accept the findings as indicated in the Flood Risk Assessment, but consider it essential that leg row channel/swales are constructed in accordance with the dimensions set out in the Flood Risk Assessment and maintained in perpetuity. The EA advise that monitoring will also be required to ensure that the drainage system behaves in the way as described in the Flood Risk Assessment and recommends a condition with regard to

the provision and implementation of a surface water regulation system, as indicated in the applicants Flood Risk Assessment attached to any approval notice issued.

- 7.31 It is noted that both the Council's Land Drainage Manager and Planning Ecologist concur with the EA conclusion on surface water drainage, and it is therefore recommended that the condition with regards to surface water drainage is attached to any approval notice issued.
- 7.32 Concerns are also raised by the Planning Ecologist about the trickle water irrigation method for plant production, as proposed by the applicants, which does not currently require a water abstraction licence from the EA, and its potential impact on the River Wye with regards to water abstraction, indicating that water usage could increase by up to 108% on site. However, the Planning Ecologist acknowledges that this could be subject to flow restrictions by the EA, and if necessary, it may be appropriate to reduce the amount of area under polytunnels at any one time in order to ensure that there is no impact upon water flows in the River Wye.
- 7.33 The EA in their response to the proposal acknowledge the River Wye is designated a Special Area of Conservation and, as such, the applicants have to have a water abstraction licence and any proposal for a new abstraction licence or an application to increase an existing licence will be assessed in consideration of the wider local environment water issues on the Special Area of Conservation, as a recent review of trickle abstractions, which have a direct or indirect impact on a Special Area of Conservation, will need abstraction constraints placed upon them when licensing. The applicants in their irrigation water usage evaluation have made reference to this proposal.
- 7.34 The EA have not objected to the proposal and officers are of the opinion that carefully worded conditions attached to any approval notice issued with regards to amount of area subject to polytunnel coverage at any one time, which will further control the issue with regards to trickle irrigation, not only on this site but also the other three development sites, that the proposal is acceptable on drainage issues.

Other Matters

- 7.35 The proposal raises no issues of concern on public highway issues as noted by the Transportation Manager, in his response to the application.
- 7.36 There are no issues of concern in respect of the historic built environment, as noted in the response from the Conservation Manager.
- 7.37 The letter of objection refers to the impact on tourism in the county. It is acknowledged that the erection of polytunnels has been a controversial issue within the county of Herefordshire, however, proportionally little of the county is covered in polytunnels, it is considered that the overall cumulative impact of polytunnel development on site can be controlled by conditions, in respect of the rotational coverage, and there is no evidence to support the view that polytunnel development has caused a decline in tourism to the county.

Conclusion

- 7.38 It is recognised that the provision of polytunnels creates sustainable economic benefits to the county by means of improved growing conditions for soft fruit production, a fact that has been acknowledged in letters in support to the proposal.
- 7.39 The site is located within close proximity to the River Wye and various landscape designations, and is therefore located in a highly sensitive landscape. The proposal has raised concerns in respect of drainage and water issues. However, it is also recognised that the environmental impact of polytunnel development on this site can be mitigated and controlled by means of a series of planning conditions attached to any approval notice issued.

Furthermore, the applicants have offered a Draft Heads of Terms to form a Section 106 Agreement, under the Town and Country Planning Act 1990, that no more than 80 hectares of land over all four application sites will be under polytunnel development at any one time.

RECOMMENDATION

1. **The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
2. **Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

1. **The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.**

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

2. **The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within three months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

3. **Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.**

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it last being used for soft fruit production.

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 16 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The landscape management plan shall be carried out in accordance with the agreed timetable.

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

INFORMATIVES:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 – Avoidance of doubt – Approved Plans
3. I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds

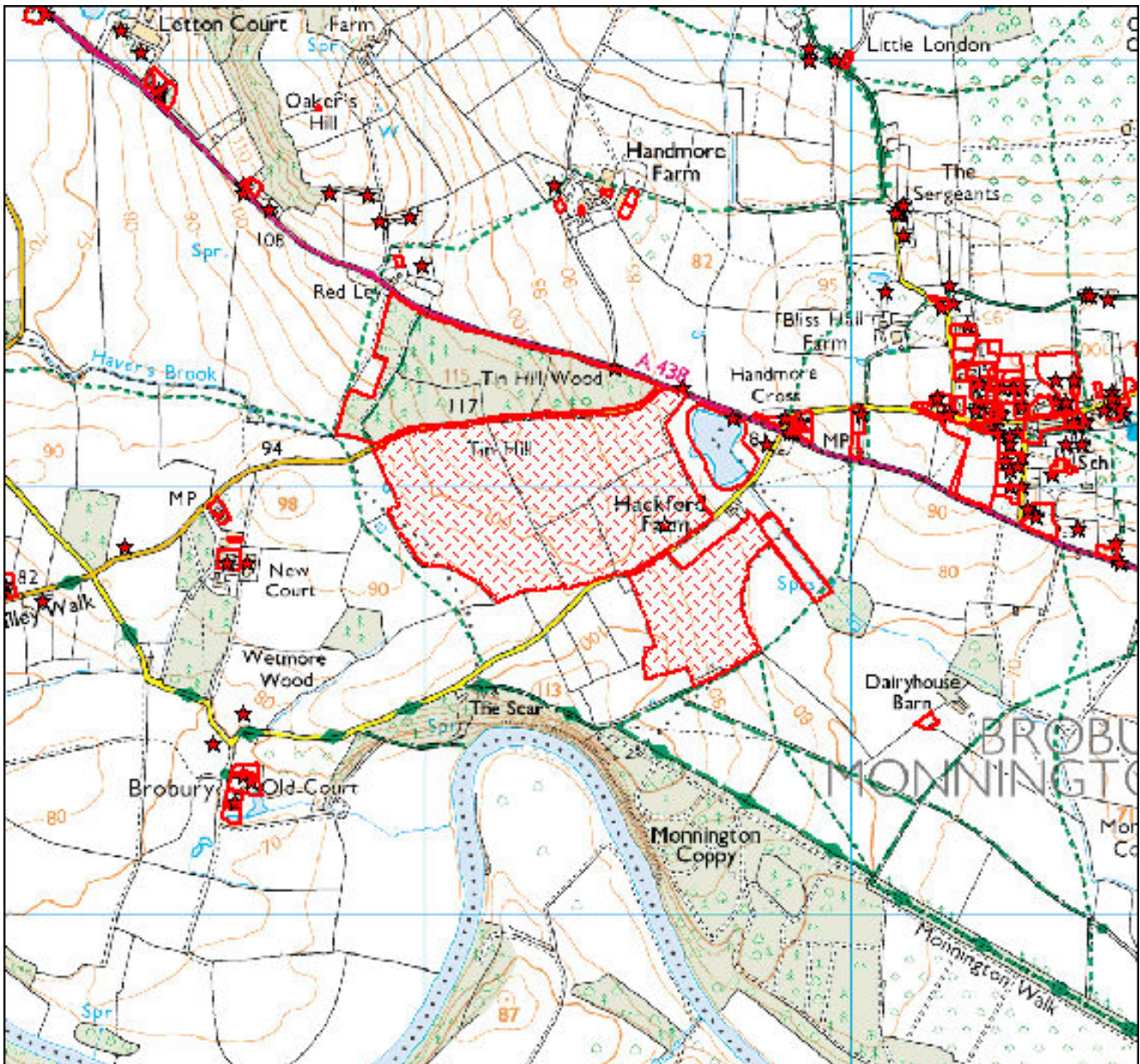
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMN/102048/F

SITE ADDRESS : LAND AT BROBURY FARM, BROBURY-WITH-MONNINGTON, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Applications - DMN/102045/F
- DMN/102046/F
- DMN/102047/F
- DMN/102048/F

Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) on land at Oakchurch Farm, Staunton-on-Wye, land at Upper Norton and Hinton Farm, Norton Canon, land at Bishopstone, forming part of Bishops Court, Bishopstone/Bridge Sollars, and land at Brobury Farm, Brobury, Monnington on Wye.

1. The owners hereby covenant with Herefordshire Council, on behalf of themselves and their successors in title not to erect cause or permit to be erected more than 80 hectares of polytunnels on the land subject to the four above-mentioned applications at any one time.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Philip Mullineux – 29 December 2010



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMSE/100298/O - LIGHT INDUSTRIAL UNITS B1 USE AT LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ</p> <p>For: Mr Barnett per Mr MF Freeman, Ruardean Works Varnister Road, Near Drybrook, Gloucester, GL17 9BH</p>

Date Received: 11 February 2010

Ward: Ross-on-Wye East

Grid Ref: 360540,225736

Expiry Date: 13 May 2010

Local Members: Councillors PGH Cutter, AE Gray and BA Durkin [adjoining ward]

Introduction

This application was deferred by Planning Committee at last month's meeting following the receipt of a plan that indicated at least half the length of the watercourse that flows along the northern boundary of the site was culverted. Previously, the application was considered by Planning Committee at its meeting on 12 May 2010 when Members resolved to defer determination pending further discussions with the applicant in respect of the possible implication for the biodiversity value of the site and the availability of other sites as outlined in refusal reasons 1 and 3 of the Officer's report.

This report is an updated version of the report to the meeting on 12 July 2010.

1. Site Description and Proposal

- 1.1 The site is located on the northern edge of the Overcross Industrial Estate, and on the northern side of Netherton Road, opposite the cattle market. UK Select Car Sales is to the west. A watercourse flows along the northern boundary of the site which is also defined by a row of willow trees. The site extends to approximately 1.6ha. It is located within the settlement boundary for Ross-on-Wye and within the Wye Valley Area of Outstanding Natural Beauty. Farmland is to the north. Public footpath BA11 is to the north of the site from where Overcross Industrial Estate and the application site can be seen.
- 1.2 The site comprises a steep north facing embankment slope, which falls away from the highway barrier along Netherton Road down some 4 metres to level ground bordering the watercourse on the northern boundary of the site. A number of trees within the site have been felled, leaving the trees along the immediate stream corridor only.

- 1.3 This is an outline planning application for the erection of light industrial units. The application reserves all matters; layout, scale, appearance, access and landscape for future consideration. However, a suggested layout plan has been submitted that shows 5 buildings with a gross floor area of 1008 square metres will be positioned close to the road frontage, with 3 entrances off Netherton Road and an access roadway that will run along the rear of buildings B, C and D that will lead to units A and E. The plan also shows the area of fill that will be required to create a level area for the development. The area of land between the retaining wall and the watercourse will be graded to provide a wildlife corridor. Tree planting is proposed along the northern boundary of the site and on the east side of unit E.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development
- PPS4 - Planning for Sustainable Growth
- PPS9 - Biodiversity and Geological Conservation
- PPG13 - Transport

2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR8 - Culverting
- E7 - Other Employment Proposals within and around Hereford and the Market Towns
- E8 - Design Standards for Employment Sites
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- SPG - Landscape Character Assessment
- SPG - Biodiversity

3. Planning History

- | | | | | |
|-----|------------|---|---|---------------------|
| 3.1 | SH860642PO | 10 small industrial units and use of lands as a playing field | - | Approved 20.10.1986 |
| | SH860644PF | Distribution depot and provision of access roads | - | Approved 20.10.1986 |
| | SH881098PM | Industrial unit with service yard and car parking | - | Approved 26.8.1988 |

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

SH890966PF	Car body repair workshop and showroom	-	Approved 14.6.1989
DCSE2009/0682/O	Light industrial units, B1 and B2 Uses with earth bund	-	Withdrawn

4. Consultation Summary

4.1 Statutory Consultations

Highways Agency has no objection.

4.2 Welsh Water has no objection subject to conditions.

Internal Council Advice

4.3 The Traffic Manager recommends refusal. Further information required; access details, layout and parking areas.

4.4 Conservation Manager - Landscape: Cannot support this application. The proposal will cause harm to the character of this part of the Wye Valley Area of Outstanding Natural Beauty.

4.5 Conservation Manager - Ecology: Cannot support this application. The proposal will harm the ecological interests of the site.

4.6 Economic Regeneration Officer supports the application.

5. Representations

5.1 A Design and Access Statement has been submitted with the application. In summary it is said:

- The site is adjacent an existing commercial/light industrial landscape known as Overross Industrial Estate.
- There is an overall strategy for the now derelict site to rebuild the site into beneficial employment use. The proposal is intended to provide beneficial employment use, retail uses and provide visual amenity.
- It is intended to provide 5 new build B1: light industrial units with parking together with disabled parking facilities. The new build will be toward the front of the site.
- There is a range in size of the units which will accommodate a good range of businesses.
- The site has already 2 prospective tenants.
- The site will require 4 metres of fill to establish a useable level site.
- It is intended together with the improvement of the development to tidy up the entrance to the development with new planting and signs.
- Soft landscaping has been added which similar in size to the previous treed area.
- A clearzone is provided onto the stream.
- The site is in a natural hollow. The proposed buildings are protected by the natural crest of a hill immediately off site.
- The main access is off Netherpton Road.

5.2 An Employment Land Statement and Planning Statement has been submitted with the application. In summary it is said:

- The proposal is being driven by the needs of 2 local businesses, Wye Garden Services and UK Select, who will occupy 2 of the proposed units.

- The development is critical to the future success of these businesses which provide local jobs and are important to the Ross-on-Wye economy.
- An Employment Land Study for the Council found there was a demand for industrial units of less than 3,000 square feet.
- The study found 55,000 square metres of vacant premises in the Eastern Corridor area, similar to our findings for the Herefordshire “south” property register area.
- The study finds that existing sites are available to meet forecast demand.
- Sustainable economic development is clearly a driver of planning policy. New employment development should be encouraged at Ross-on-Wye to achieve strategic planning aims, improve the local economy and create a jobs/homes balance.
- The UDP also recognises the need to meet the expansion of requirements of existing businesses. The application is in line with this aspiration and will help retain the businesses in the local area and provide additional employment opportunities.

5.3 An updated Ecological Assessment has been provided. In summary, it is said mitigation measures will be put in place to protect legally protected species and prevention of pollution of the adjacent watercourse.

5.4 Ross Rural Parish Council has no objection.

5.5 Brampton Abbots Parish Council – Despite the findings of the application’s Transport Statement, the Parish Council remains concerned over the extra traffic the development will generate at Overross Roundabout. The Council also believes it is imperative that the proposals in the Design and Access Statement relating to the development’s appearance, scale, screening and landscaping, all be implemented without compromise.

5.6 An objection has been received from Mr J Hiram, Netherton House, Netherton, Ross-on-Wye:

- It is sited on land which is designated for important landscaping on an earlier consent. The area is therefore protected and granting permission would set a very dangerous precedent. The necessity for the landscaping buffer between town and country has not diminished.
- The removal of the planted landscaping was illegal, damaging local flora and fauna and carried out without consultation with the appropriate bodies, including Natural England, Defra etc. It should be reinstated without further delay.
- The existing use (vacant land) is incorrectly stated on the application. It should state: landscaping.
- Is it light industrial? or B2? It cannot be both.
- The land is currently steeply sloping to the nearby watercourse, which runs into the River Wye. The levels will have to be artificially altered and raised. The subsequent ridge level of the buildings on the raised ground will be visually obtrusive to the surrounding countryside to the north.
- DTZ refer to the office market which is irrelevant. They also state that the industrial supply exceeds demand. Why are 5 buildings proposed when only 2 are apparently required? Why should the 40% of the site “drive” its development? There are numerous empty commercial buildings in Ross and further sites with extant planning consent yet to be constructed. Vehicle preparation does not have to take place in an adjoining building and could be undertaken elsewhere in the town.
- The Design and Access Statement is inaccurate as it refers to retail use and does not refer to the historic landscape value to previous planning consents.
- DTZ state PPS7. This is not a rural area as it is within the settlement boundary of Ross-on-Wye.
- DTZ also state in their planning statement that the proposal “respects the open countryside to the north”. This is patently untrue as landscaping has been illegally removed without permission or prior consultation exposing the existing development to the

North. The new structures on the raised land will exacerbate the effect of the development into the rural landscape to the North and the adjoining AONB.

- PPS4 paragraph EC6.1 states that any development should ensure that the countryside is protected etc. These proposals do not meet this policy's requirements.
- In summary, irrespective of the flawed nature of much of the application which is justification in itself to refuse permission.

5.7 Letters in support of the application have been received from Dayla Liquid Packing Limited, Overross Industrial Park, Ross-on-Wye; Walford Timber Limited, The Sawmills, Walford and Wye Commercials Limited, Overross Industrial Estate, Ross-on-Wye:

- it will enhance job prospects
- it will tidy up the area
- it has good access.

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

Update

6.1 This application was deferred at the last meeting of Planning Committee following the late submission of a plan that indicated at least half the length of the watercourse that flows along the northern boundary of the site was a "culverted stream". The plan did not state if the culvert existed or was proposed. Officers have returned to the site and walked along the stream. It is overgrown by a tangle of fallen trees, bushes and brambles. Following this visit it was noted a small section, 2metres or thereabouts, of the stream has been culverted. The applicant has been requested to submit accurate plans that confirms this. At the time of this report the plans had not been received. A verbal update will be given at the meeting.

Original report

6.2 This is an outline application to establish the principle of light industrial development. The application reserves all matters for future consideration.

6.3 Although this site is located in the town boundary of Ross-on-Wye as shown on Inset Map ROSS1 in the Herefordshire Unitary Development Plan it is not allocated for any particular use. Policies E7 and E8 are considered appropriate to the determination of this application. The policies are criterion based. These policies permit proposals for employment generating uses provided there are no suitable sites or premises available within existing and proposed employment areas and the proposal is of a scale and character appropriate to the settlement or locality.

6.4 At the time of the original report to Members, the applicant did not provide sufficient evidence as to why this development cannot be located on vacant industrial land elsewhere in Ross-on-Wye; there is vacant land in Alton Road and Model Farm has outline planning permission for B1, B2 and B8 Uses. The applicant has provided further information in the way of a land availability study that concludes there is no land available to accommodate the proposal in Ross-on-Wye, vacant premises currently available are not suitable for the requirements of the two businesses and the overall supply of vacant premises is not sufficient to meet short medium term demand in Ross-on-Wye. The development is required in order to meet the immediate requirements of the two businesses and to secure their future success. The development is critical to the future success of these businesses which provide local jobs and are important to the Ross-on-Wye economy. The Economic Regeneration Manager confirms the proposal will safeguard existing jobs as well as providing other job opportunities.

Consequently, it is considered the proposal will assist in the economic well being of Ross-on-Wye.

- 6.5 While the site is within close proximity to land allocated for employment purposes it is adjacent to the settlement boundary of Ross-on-Wye, farmland adjoins the site on its northern side within the Wye Valley Area of Outstanding Natural Beauty (AONB). The impact and affect of the proposal on this part of the AONB needs to be considered. In this respect the Conservation Manager – Landscape comments this undeveloped site on the northern edge of Netherton Road currently allows views out from the public highway to the north, into the adjacent countryside designated as Principal Settled Farmlands in the Council's SPG Landscape Character Assessment. Distant views to the north are restricted by the undulating nature of the landform and intervening trees along the stream, and include partial views of buildings at Netherton. There are no views of the village of Brampton Abbotts. Views to the west, south and east are restricted by the existing industrial development.
- 6.6 While, a 7 metre buffer zone is proposed, this does not overcome the landscape objection to the development of this site. The principle objections are that the proposed development would detract significantly from the character of the site – a stream corridor and that the stream corridor site needs to be preserved in its entirety to act as an effective buffer between the industrial estate and landscape to the north, which falls within the AONB.
- 6.7 Insofar as the issue of the change to the appearance and character of the stream corridor is concerned, the proposal does not work in harmony with the existing topography and stream corridor character – it works against it, as demonstrated by the fact that it would be necessary to make up levels by 4 metres. This infilling would detract significantly from the stream corridor character and the proposed buildings would preclude reinstating the area of trees that were originally on the site.
- 6.8 The screening effect of the site has already been significantly weakened by the removal of many of the trees. The removal of these trees also degraded the quality of the wildlife habitat, as stated in the Ecological Report submitted with this application
- 6.9 Insofar as the visibility of the site is concerned, it is acknowledged that distant views in and out of the site are restricted by landform. However, a negative factor is that the proposed development of buildings adjacent to the road would impinge on the current open views from Netherton Road towards the rural countryside and would restrict views of what was formerly an attractive stream corridor from Netherton Road and the inner industrial estate; views which are of value to both occupiers and users of the industrial estate. In relation to functional issues, the proposed infilling raises practical concerns about the future stability of a high steep bank close to a watercourse, particularly before it is vegetated and about the difficulties of maintaining planting on a steep sided bank.
- 6.10 The existing land form demonstrates the site is not suitable for development. It will require raising the ground level adjacent to Netherton Road by importing soil up to 4metres in depth to create a development platform and access off Netherton Road. The proposed site layout plan indicates that the base of the proposed embankment slope would extend up to the edge of the stream across part of the site. The embankment will require a retaining wall to be constructed along the length of the raised ground. The retaining wall and grading of the side will appear as a non-natural feature in the landscape. Consequently, from a landscape perspective, fundamentally, this stream corridor site is not a suitable site for built development, regardless of the form of the built development or the type of landscape scheme proposed. To retain the whole of this area as a stream corridor is the appropriate use for this piece of land, in order to provide an adequate buffer between the industrial estate and the AONB rural landscape, to maintain the spatial character of the stream corridor and to retain adequate stream side habitat. I assume these are the reasons why this area was not developed when the industrial estate was established. The removal of trees and stream side vegetation that has already

taken place is very undesirable. However, retaining this area as an undeveloped piece of land and allowing it to naturally regenerate would have a positive outcome - maintaining the spatial character, increasing the amount of screening and providing wildlife habitat.

- 6.11 The site is located in an ecologically sensitive area, adjacent to a watercourse that is a tributary to the River Wye SSSI and SAC. An Ecological Assessment was provided concluding pollution of the watercourse will be minimal subject to appropriate best practice mitigation measures are put in place to stop this occurring. The Assessment also comments that mitigation measures will be put in place to protect a range of legally protected species, potentially dormice, badgers, common reptiles and nesting birds. However, further information was considered to be required regarding mitigation strategies for dormice, badgers, protection of the watercourse, reptiles and ensuring against the spread of Japanese knotweed with further surveys required to ensure that the mitigation strategies proposed are appropriate. This has now taken place. The applicant has provided additional ecology reports that comment the dormice are confined to the eastern most part of the site and there is no evidence of reptiles. The report concludes that provided appropriate mitigation and precautionary measures are taken the proposal would not harm the interests of ecology. The Council's Ecologist is satisfied with the update assessment of the site and note that further feeding evidence of dormouse was found during the summer, but that no evidence of occupation of the nest tubes was found; this indicates a low population of this species on and adjacent to the site. There is also concern that the development of the site will not retain a sufficiently wide wildlife corridor along the length of the watercourse so as to be in the interests of ecology and biodiversity. The clearance of vegetation on the site prior to the ecological assessment is unfortunate and inappropriate, especially given the nearby presence of European Protected Species. No reptiles were recorded during the survey period.

However, the Ecologist remains concerned about the capacity of this site to accommodate the proposed development whilst also retaining a nature conservation and landscape buffer zone along the stream corridor. Steep slopes will be created in order to build up the ground for the new buildings and will be extremely close to the stream. The proposed buildings at the western and eastern ends of the site (Units A and E) will lie within 5m of the stream and it is not clear how the proposed embankment can be accommodated in this narrow space whilst retaining the stream, trees and nature conservation interest of the site. The section drawing that was submitted with the application does not include a scale so it is not possible to assess whether the proposals are feasible.

- 6.12 Mention is made of the tree felling that has taken place. The application site was originally planted as part of an approved landscape buffer to applications SH860642PO and SH881098PM. Other than requiring a 5 year maintenance period of planting that may fail during this period, the trees were not subject to protection beyond this period. The tree felling took place after this 5 year period. Accordingly, it is considered there has been no breach of the planning permissions and there is no requirement for the reinstatement of the tree planting.
- 6.13 Although the Traffic Manager has recommended refusal for further information insofar as means of access, layout and parking areas, this is an outline application that reserves all matters for future consideration. In the event of outline planning permission being granted, these matters will be considered as part of an application for the Approval of Reserved Matters. Consequently, it is not considered the objection raised by the Traffic Manager is a reason to refuse this application.
- 6.14 In conclusion, it is considered that the development of this site for industrial purposes will cause harm to the acknowledged visual qualities of the area and harm the ecology and biodiversity of the site. The proposal is considered contrary to policies S2, S7, DR1, LA1, LA2, NC1, NC6, NC7, NC8 and NC9.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed development and associated ground works required to create a development platform would form a conspicuous and prominent development in this part of the Wye Valley Area of Outstanding Natural Beauty in which the site is located. Accordingly, the proposal conflicts with policies S2, S7, DR1, E7, E8, LA1 and LA2 of the Herefordshire Unitary Development Plan.

2. The proposed development of the site would not retain a sufficiently wide wildlife corridor along the watercourse along the northern boundary of the site so as to be in the interests of ecology and biodiversity. Accordingly, the proposal conflicts with policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to the advice contained in PPS9: Biodiversity and Geological Conservation.

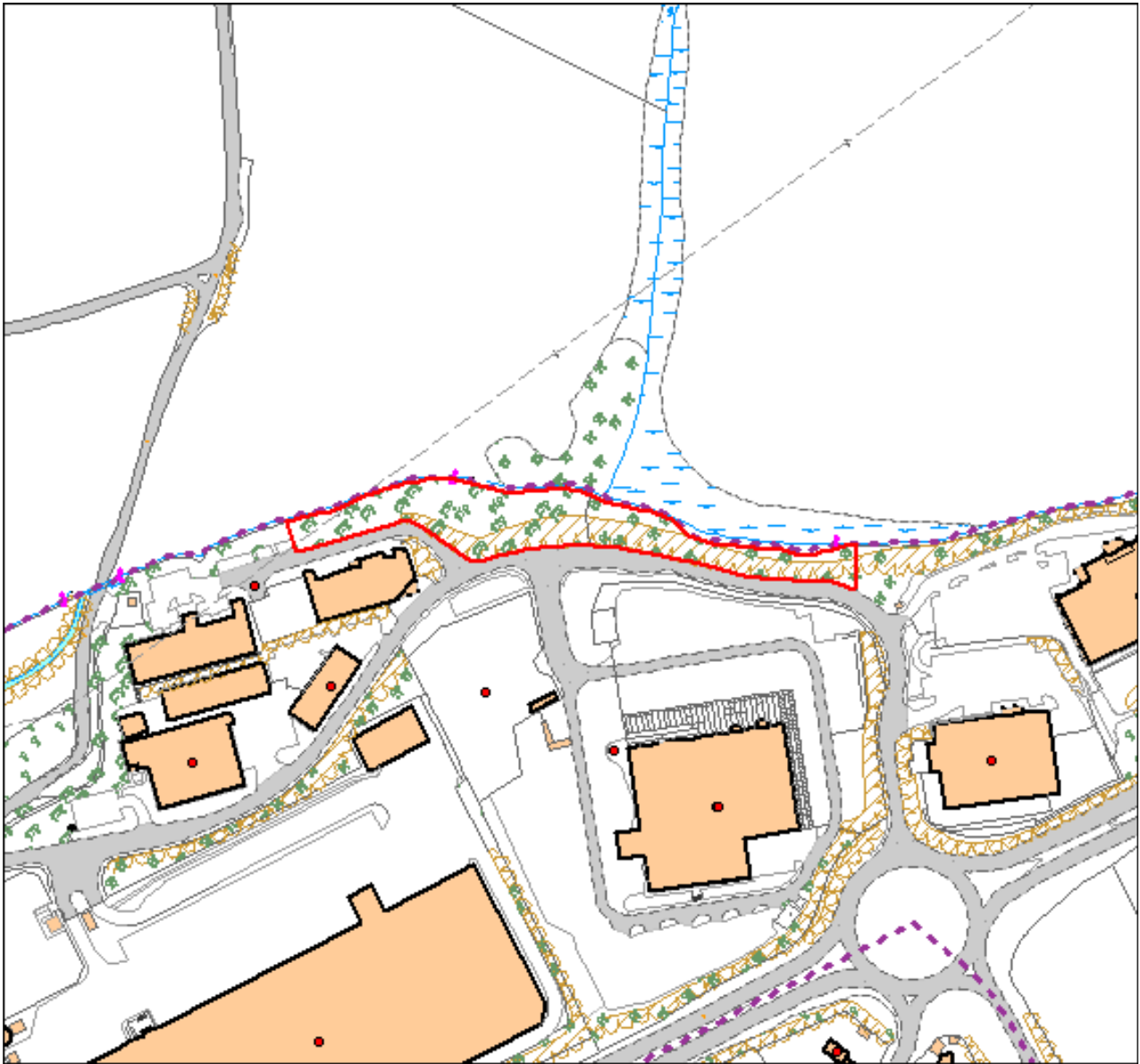
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMSE/100298/O

SITE ADDRESS : LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE,
HEREFORDSHIRE, HR9 7QQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMS/102193/F- FORMING OF NEW ACCESS AND SITE ROAD. CONSTRUCTION OF NEW PACKING SHED. ERECTION OF 2 NO. POLYTUNNELS. PLACING OF 4 NO. MOBILE STORAGE UNITS ON SITE AT LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH</p> <p>For: Wetland Plants per Mr Richard Ball, Ilex, Ashfield Crescent, Ross on Wye, Herefordshire, HR9 5PH</p>

Date Received: 25 August 2010

Ward: Burghill, Holmer and Lyde

Grid Ref: 346381,245201

Expiry Date: 18 November 2010

Local Member: Councillor SJ Robertson

Introduction

The application was referred to the Planning Committee on the 15 December 2010 and was deferred for a site visit.

The public speakers raised additional issues in respect of drainage and water supply. Additional information has been supplied and the report has been updated accordingly.

Additional conditions have been recommended.

1. Site Description and Proposal

- 1.1 The site is a 0.5ha parcel of agricultural land sited on the east of the C1099 (Roman Road between Tillington and Credenhill). To the south west boundary of the site are two residential properties (Sunnycroft and Southview). The site sits in an elevated position with the boundary and both the adjoining roads and the neighbouring properties being at a lower level. The road drops to the south west and the cross-roads to the north-east are also lower. The boundary with the highway is a well maintained mature hedgerow on a raised bank along the road. The remaining boundaries are also mature hedges.
- 1.2 The proposal is for the erection of two polytunnels, packhouse and storage units to facilitate the use of the land for the growing and distribution of wetland plants.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 1.3 The two polytunnels would be 7.92m x 19.5m sited next to each other with a maximum height of 3.5m. They would be sited adjacent to the eastern boundary. To the south west of this would be the packing shed, a timber clad building with slate roof with a footprint of 11.8m by 11m, with an eaves height of 2.5m and ridge height of 4.2m. This will incorporate a packing area, office and WC. Grouped with this would be a bank of four mobile storage units that would have a total floor area of 40 sq metres. This group would be approximately 50m from the boundary with the neighbouring property. The ground to the south of this group of buildings and the adjacent dwellings would be laid to planting area / beds.
- 1.4 Access to the site would be relocated from the existing field access which has substandard visibility to an access that is to the south west corner of the site, adjacent to the driveway that serves Sunnycroft. An access track would then run along the boundary with this property before turning north to serve the buildings. In order to facilitate the access and required visibility splays a section of hedgerow (55m) would be translocated behind the visibility splay.
- 1.5 To the north of the application site, three wildlife ponds are proposed that would be planted with native British plants.

2. Policies

2.1 National Planning Policy

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007:

S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR14	-	Lighting
E11	-	Employment in the Smaller Settlements and Open Countryside
E13	-	Agricultural and Forestry Development
E15	-	Protection of Greenfield Land
LA2	-	Landscaped Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
T8	-	Road Hierarchy

3. Planning History

- 3.1 None.

4. Consultation Summary

4.1 Conservation Manager - Landscapes:

The proposals in this application are not likely to have a significant adverse affect on the landscape character of the area. This is an agricultural landscape and the proposals are of a relatively small scale, contained within an existing field.

The visual impact of the proposal will not be prominent. Views from the adjoining road will be screened by the hedge and bank. Views from Credenhill Park Wood are restricted by the trees. The rolling topography, together with existing vegetation, also restricts views from the lower public footpath that joins Roman Road. There is a clear view of the site from higher land on the public footpath at Hill Farm, however the proposed development will be seen together with the existing residential buildings and it is not thought to cause a significant detriment effect on this viewpoint. There is no view to the site from Tillington Common or further away at Badnage.

The two adjoining residential properties are likely to experience a negative effect on the adjoining landscape. The new entrance and access road will be close to their boundary, however the new built constructions will be approximately 40m away. I would request that an additional native hedge is planted along this boundary to help mitigate the visual impact of the development (part of the boundary is only a horizontal bar fence and shed).

The existing hedgerows should be protected. The proposal to relocate part of the hedge along the road boundary is supported as this will reduce the effect of the development on the character of the road.

- 4.2 Conservation Manager – Ecology: The southern half of the field appears to be improved grassland; the northern section appears to be less-improved, although not particularly species-rich. The field would not appear to have been ploughed in recent times. There would not appear to be significant habitat loss in relation to the area for proposed development, but I would be concerned about further development within the northern half of the field. I believe that with sympathetic management, this area could provide a positive contribution to biodiversity and recommend that a habitat management scheme be implemented.

I note the proposed new 'wildlife ponds' although they appear too uniform in size as well as within the setting of the field. Insufficient detail has been submitted regarding the profiles and planting within these ponds. It is also not clear whether they are purely for wildlife and to be managed as such, or whether they are likely to be used as 'stock ponds' or for propagation. This needs to be clarified prior to determination of this application.

The proposed internal access is rather close to the mature hedgerow along the eastern boundary of the field, and I would request that there is a sufficient buffer of at least 2m between the track and the hedgerow.

If the above can be resolved satisfactorily and this application is to be approved, I recommend inclusion of appropriately worded planning conditions to secure the following:

- Implementation of the recommendations of the ecological report
- Submission of a full working method statement for the translocation and subsequent monitoring of the hedgerow
- A habitat enhancement and management scheme for the ponds, hedgerows and grassland.

- 4.3 Transportation Manager: Raises no objection to the proposal subject to conditions relating to visibility splays.

5. Representations

- 5.1 Burghill Parish Council object to this proposal and make the following comments:

The site is not appropriate for any horticultural / commercial use. It enjoys an elevated position above the ridge height of adjoining properties and any form of glasshouse / polytunnel will have a detrimental effect on the landscape. The access to the site is very dangerous and the removal of the hedges causes environmental issues. This site is pasture land for the village and should be retained for that purpose as it is outside the village envelope.

5.2 Letters of objection have been received from Mr M Symonds of Goose Ploc, Tillington and Mr and Mrs Roberts of Sunny Croft, Tillington. The issues raised can be summarised as follows:

- Highways safety for the following reasons:
 - Traffic coming over the brow of the hill tend to speed up towards the gate to Sunny Croft.
 - The introduction of an access, 2 metres from the access to Sunnycroft would make the problem more dangerous for all (including users of farm access opposite).
 - a safe access could be made at the brow of the hill with good visibility in each direction.
- There would be noise and environmental pollution from the site impacting on the amenities (from kitchen window).
- Request a suitable screen in the field side, alongside the drive would be needed.
- Polytunnels or buildings should be sunk into the ground.
- This may lead to further polytunnel development in the area.

5.3 A letter of support has been received from Canon Pyon Post Office and Store that confirms that Wetland Plants has been using the PO at Canon Pyon for over 4 years and that it is a very well established business. It states that it is appreciative of the business that Wetland Plants bring to the Post Office which does great deal to continue the viability of the office.

5.4 For the purpose of clarification the applicants' agent has also provided details of the proposed use and its future that can be summarised as follows:

- The business was established in 1990 at Bodenham and was moved to Ashperton. We purchased the business in 2004 and moved it to the site at Upton Bishop where it has been to date.
- The site at Upton Bishop has a packing and storage shed, un-heated polytunnels and greenhouse and large external growing area for most of our plants. The existing premises have been sold and the company needs to move by the end of January 2011.
- We grow hardy water and moisture loving plants and we need the polytunnel and or greenhouse for over wintering a proportion of plants in pots and for propagation. Specialise in growing native British plants and supply reeds for waste treatment in waste water systems.
- We would emphasise that our plants do not need any additional heat.
- The business currently employs 3 people, the nurseryman, one person that deals with the online computer system (from their home) and a part time employee who packs plants and assists the nurseryman. Our nurseryman currently travels on a daily basis from Leominster and there is no need for 24 hour supervision on the site.

- The plants are packaged on site and large packages are collected twice a week by couriers and small packages are taken by staff to the local post office (Canon Pyon) and sent by Royal Mail.
- The nursery would not be open to the public.
- At peak times (spring / summer) the projected vehicle movements are approximately 20 - 26 per week including staff / deliveries.
- We understand that there has been a suggestion that we are using this application as a means to establish a dwelling on this site, this is not the case. One of our partners lives within 10 minutes drive of this site. The purchase of this site and this application has been forced on us and it is now a commercial necessity for the continued operation of this local business.
- As far as the wildlife ponds are concerned they will be part of our operation they will contain stock plants which can be used for propagation purposes. They will be stocked with native plants which we use to supply people with packs to establish ponds which will provide a good environment to encourage native wild life.

5.5 In response to queries raised at the committee meeting on the 15 December the applicants have provided the following information for clarification.

- Water for plants will be via a borehole, we can abstract a max of 20 cubic metres per day for our operation. We have a borehole at Upton Bishop and we have never exceeded this capacity.
- In fact we only need water to top up the water in the lily and marginal tanks due to evaporation or transpiration of the plants. This is not needed on a daily basis. There is no run off, we just top up the tanks. The water for growing plants is static.
- Storage container are for the storage of plastic pots / boxes essential equipment we buy the pots and boxes in bulk this gives us a good discount for them we then need to store these items in a dry and secure area hence the storage containers.
- Emphasise that we are not removing but re locating the hedge.
- The septic tank will be the smallest available, 2800 litres, and situated 6 metres from the packing shed in the direction of the hedge. The run off from it will be via a reed bed. Any run off from that will be into a soakaway near the hedge.
- We intend to collect the rainwater from the shed and polytunnels for topping up the ponds and irrigating.
- Pond construction; they will be up to 1 metre deep, for the deeper water native plants, with planting ledges, for the marginals and gently sloping edges to allow easy access for wildlife. They will be set into the natural topography of the land and positioned to provide the preferred conditions for the plants e.g. shade, part shade or full sun.

5.6 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 issues for consideration are:

- a) The principle of development
 - b) Highway Safety
 - c) Landscape impact
 - d) Ecological impact
 - e) Impact upon amenities of neighbouring residential properties
- 6.2 The existing land use is agriculture. The proposed land use is for the growing of plants which falls within the definition of agriculture (horticulture) accordingly there would be no change of use of the land involved. The proposal requires the erection of two polytunnels, a packing / office building and storage to facilitate the packing and distribution of the plants. The business is a small scale local agricultural business.
- 6.3 Policy E13 relates to proposals that are in connection with agricultural activity and requires that where possible, new building are sited with existing groups of building and services have a functional relationship with other buildings and services or where this is not possible are not located in skyline locations and take advantage of natural land form. Impacts upon residential amenity and environment should be avoided and proposals should be well related to existing developments and the landscape in terms of scale, design, colour and materials.
- 6.4 The proposal may be viewed as being more of a commercial enterprise than agricultural because of the methods of selling the plants grown. If this was considered then having regard to employment policies Policy E11 may apply. Having regard to this the proposal is considered to have very strong links to agriculture and as such is considered acceptable in principle subject to consideration of its impact upon the landscape, ecology, highway safety and amenities of neighbouring properties.
- 6.5 The uses proposed do not require any on site supervision (i.e. no reliance of heated tunnels etc) and have been operating in this manner for 6 years in Upton Bishop.
- 6.6 Locally one of the main concerns relates to the highway safety implications of the proposal. The lane that will be used to access the site is a popular 'cut through' from Credenhill to Burghill / Tillington (C1095 - Tillington Road). The proposal does not raise an objection from the Transportation Manager and the required visibility splays can be achieved. The neighbour raises concern about the impact upon their access but this already has very limited visibility and the proposals to provide this access are likely to improve visibility to the north to their benefit. There are some differences in levels at this point and a condition is suggested to ensure that visibility is not impaired by the formation of any bank. The proposed use is small in scale and even at peak times is unlikely to cause significant traffic movements. The site is close to a good highway network travelling towards Hereford with access to bus routes. As such the proposal, subject to the appropriate conditions is considered to comply with policy DR3 of the Herefordshire Unitary Development Plan.
- 6.7 The Landscape Officer has raised no objection to the proposal. Despite the site being in an elevated position, the scale and nature of the development and existence of a significant and mature boundary hedge precludes obtrusive and harmful views of the proposed developments. Details of the site levels are suggested by condition to ensure and enable buildings to be cut into the ground where necessary.
- 6.8 The hedgerow that is to be removed and replanted (translocated) behind the visibility splay is also welcomed and a method statement for its translocation (and replanting if this fails) is suggested by condition. A condition requiring the protection of the existing hedges on site is also suggested. In order to provide a boundary between the application site and the residential dwelling a condition relating to boundary treatments (planting specifications / fencing) is also suggested. It may also be beneficial to undertake some tree planting on the ground between the access and dwelling in the interests of providing a long term screen to the development.

- 6.9 On the basis of the above, with the appropriate conditions attached the proposal is considered to comply with policies LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan.
- 6.10 The Council's Ecologist has also raised no objection to the proposals subject to the clarification of the planting to the 'wildlife ponds' and its management and the slight repositioning of the access. This matter has been clarified and a condition is recommended to secure detailed requirements. As such the proposal is considered to comply with policy NC1 of the Herefordshire Unitary Development Plan and guidance contained with PPS9 – Biodiversity and geological conservation.
- 6.11 The residential properties immediately adjacent to the application site are likely to be affected in some way by the development. The levels of noise and disturbance are not however likely to be so significant that they would cause unacceptable harm to their living conditions, especially given that the garage and parking areas form quite a distinct separation from the agricultural land and the dwellings. A landscaped boundary is recommended to provide additional screening. This would be planted on a quite substantial bank which will increase its effectiveness. The main issue would relate to traffic movements but these are minimal and can be restricted to normal working hours thus reducing impact in the early morning, late evening, weekends and public holidays.
- 6.12 In order to protect these residential amenities, conditions relating to hours of working and deliveries are recommended. Conditions relating to landscaping and lighting are also suggested.
- 6.13 In conclusion, the proposed development is considered to be primarily agricultural in nature and small in scale. The impact of the development on the landscape and biodiversity is negligible and can be mitigated and in part enhanced. Accordingly the relocation of the small scale rural business is supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission).**
- 2. G10 Landscaping scheme.**
- 3. G11 Landscaping scheme - implementation.**
- 4. H03 Visibility splays.**
- 5. H06 Vehicular access construction.**
- 6. H09 Driveway gradient.**
- 7. H13 Access, turning area and parking.**
- 8. C01 Samples of external materials.**
- 9. F01 Restriction on hours of working.**
- 10. Restriction on hours of delivery.**
- 11. The use / buildings hereby permitted shall not be open to customers at any time.**

Reason: In the interests of highway safety and the amenities of the locality having regard to policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

- 12. F06 Restriction on use.**
- 13. I32 Details of floodlighting / external lighting.**
- 14. K4 Nature Conservation - Implementation.**
- 15. K5 Habitat Enhancement Scheme.**
- 16. H27 - Parking for site operatives.**
- 17. G01 - Earthworks (including ponds, access and surrounding areas).**
- 18. I16 - Restriction of hours during construction.**
- 19. I18 - Scheme of foul drainage disposal.**

Prior to the commencement of works a full working method statement for the translocation and subsequent monitoring (including timetable of works) of the hedgerow identified on the approved plans shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

Reason: In the interests of landscape impact and to ensure that the nature conservation interest of the site is protected having regard to policies LA2, LA5, LA6, NC1 of the Herefordshire Unitary Development Plan.

Informative:

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

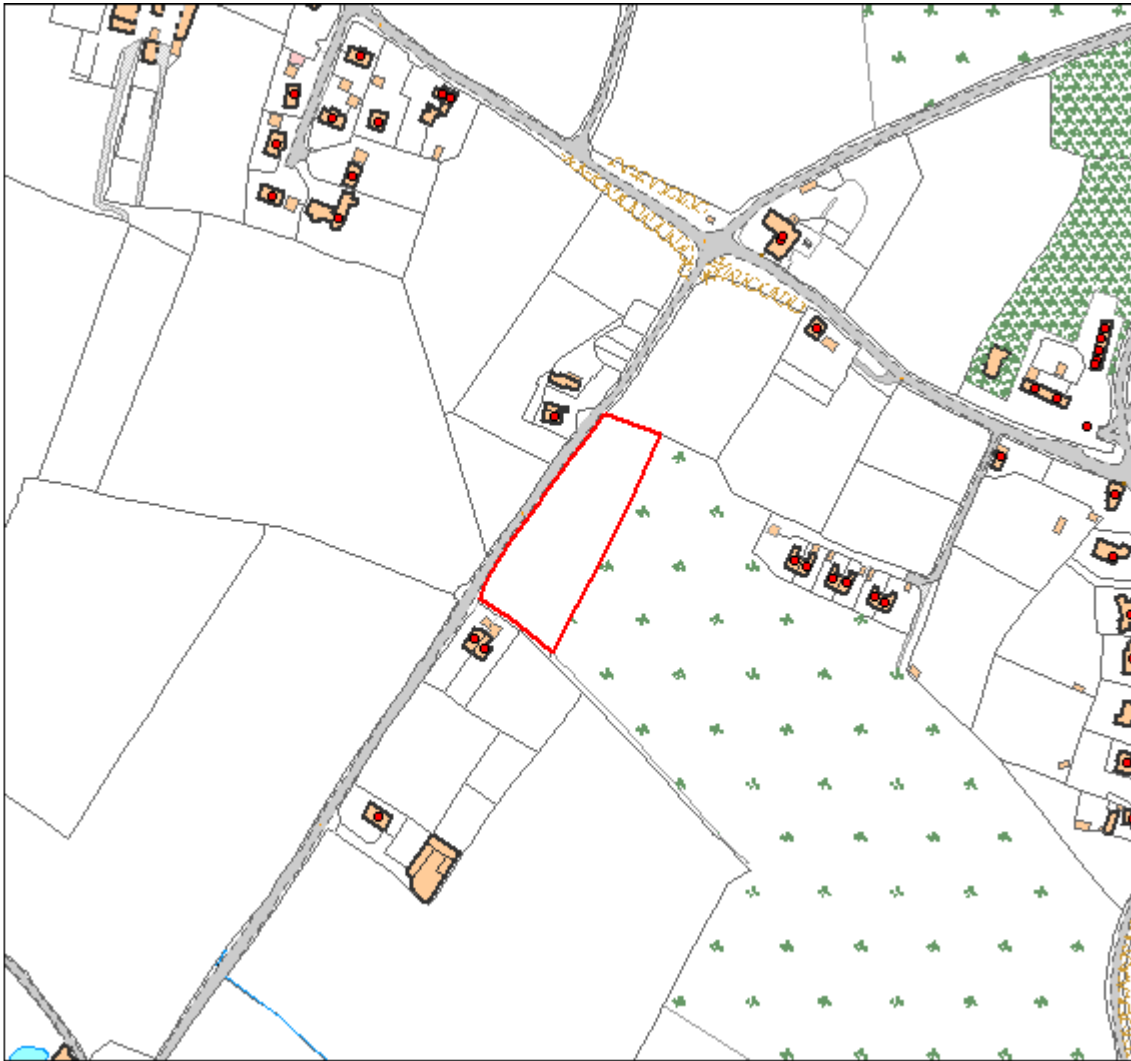
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/102193/F

SITE ADDRESS : LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMS/101907/O - SITE FOR ERECTION OF AFFORDABLE HOME AT LAND ADJACENT TO HOLLY BUSH, CRAFTY WEBB, BREDWARDINE, HEREFORDSHIRE, HR3 6BZ</p> <p>For: Mr Minton, Dolvach Farm, Bredwardine Hill, Bredwardine, Herefordshire, HR3 6BZ</p>

Date Received: 26 July 2010

Ward: Golden Valley North

Grid Ref: 331873,244175

Expiry Date: 1 November 2010

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 The application site lies in open countryside and is located on the southern side of an unclassified road (U/C 75220) that climbs westwards out of Bredwardine towards Arthur Stone Lane. It is 1.5 kilometres away from the Red Lion on the B4352 road. There is an existing farm gate access on the north western corner of the roughly square area of agricultural land providing the plot. It constitutes an arbitrary area of a much larger parcel of land. The access gate provides access onto a public bridleway (BD3B). This bridleway adjoins the north-western boundary of the site and then continues on a south-easterly course along the southern side of the proposed site.
- 1.2 The access point will be on the outside of a bend of the aforementioned unclassified road. There is good visibility to the north east and eastwards to Bredwardine. There is a residential property, Holly Bush Cottage to the north-west of the application site. Oak Cottage is to the east and like Holly Bush Cottage it fronts onto the unclassified road. These two dwellings are both stone faced and slate roofed. The application site would have 35 metre frontage and be approximately 23 metres deep. Hedgerow fringes the northern boundary adjoining the unclassified road together with the western boundary.
- 1.3 This is an outline application with all matters reserved. An indicative plan submitted details a dwelling facing in a north-easterly direction towards the existing gateway/entrance into the site. The new boundaries for the plot are defined by hedging.
- 1.4 The application is submitted with a justification that it seeks to provide a special needs family home for the applicant's son. The land has been in family ownership for three generations. Alternative sites have been considered in order to meet this need but there is no information provided in this respect. It is stated that plots were sold for £100,000 to the rear of the Red Lion, in the centre of Bredwardine and that the only affordable option is the one now proposed.

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

- 1.5 Details are also provided in the Design and Access Statement for a brick dwelling with low eaves created by using dormer windows. Solar panels will be used and spaces will be created for recycling and storage.
- 1.6 The applicant states that he will accept any reasonable conditions and or an agreement requiring the first occupant to be his son, Matthew.
- 1.7 A letter of support accompanied the application. This letter of support represents 15 properties in the locality and 20 residents.

2. Policies

2.1 Central Government Advice:

Planning Policy Statement 1 - Delivering Sustainable Development
 Planning Policy Statement 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- S6 - Transport
- DR2 - Land Use and Activity
- H7 - Housing in the countryside outside settlements
- H9 - Rural exception housing
- H13 - Sustainable residential design
- LA2 - Landscape character and areas least resilient to change

3. Planning History

- 3.1 SH900865PO - Erection of a dwelling Refused 19 September 2010
- 3.2 SH930175PO - Erection of a two bedroom starter home Refused 24 March 1993
- 3.3 DCSW2008/2680 - Erection of an affordable home Withdrawn 17 December 2008

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Traffic Manager states that the site is an unsustainable location. Conditions are recommended in the event that planning approval is granted.
- 4.3 The Public Rights of Way Manager raises no objections subject to the bridleway BD3B not being obstructed during the construction phase.

5. Representations

- 5.1 Two letters have been received from the owners / occupiers of residential properties either side of the application site (Hollybush Cottage and Oak Cottage). The following concerns are raised.

- outside of settlement boundary
- land is in Kilvert Country and of historical interest and great landscape value
- sympathetic to principle of local people having affordable housing but site dwelling downhill in centre of village not outside settlement boundary
- impact on water supply
- potential contamination of water supply
- precedent established
- close to dining room conservatory resulting in loss of view and privacy

5.2 Bredwardine Parish Council supports the application along with support from local community. It is aware of controls in rural areas. However they will support a local family, supporting their child by providing an affordable home.

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 main issue relates to the principle of the residential development of a site in open countryside away from any established and/or identified settlement. The second issue raised relates to the need for residential development to satisfy sustainable development criteria and other more specific considerations such as landscape and visual impact and the effect on the amenities or neighbouring properties.

6.2 This site is located within open countryside. It is divorced from the nearest settlement, Bredwardine, which is identified as a smaller settlement where new dwellings would be restricted to limited infilling. Accordingly the proposal must be determined with regard to the requirements of Policies H7 and H10 of Herefordshire Unitary Development Plan. Policy H7 states that all housing development outside the main towns, villages and smaller settlements will not be permitted, unless such development proposes satisfactory identified exceptions. The application proposed does not satisfy any of the stated exceptions and is therefore considered unacceptable in principle. Furthermore, the proposal does not satisfy the requirements of Policy H10, for rural exception housing since the site is not within or adjoining a settlement, as previously stated. It also does not respect the settlement concerned nor will the siting of this dwelling afford reasonable access to facilities or public transport. This site is wholly car dependent and therefore an unsustainable location in planning policy terms.

6.3 The promotion of sustainable development is a requirement of all new housing proposals and the key criteria are set out in Policies S2 and DR2 of Herefordshire Unitary Development Plan. It is incumbent upon the planning authority to control development which is not sustainable by promoting proposals that reduce the need to travel particularly by using motor vehicles and focus new development in locations where there are existing services and facilities. The application site is wholly car dependent given its remoteness from facilities and therefore is contrary to the provisions of Policies S2 and DR2 of Herefordshire Unitary Development Plan.

6.4 It is considered that the proposal is contrary to adopted development plan policy and the principles established in Government guidance set out in PPS1 and PPS7. However it is necessary to consider 'other material considerations' in the determination of any application and to establish whether these outweigh the contrary policy presumption. In this case the personal circumstances of the applicant's son are relied upon and whilst his disability and the lack of affordable housing locally are acknowledged, it is not considered that such circumstances could reasonably outweigh the very significant objection in planning policy terms.

6.5 Therefore, notwithstanding the support of the Parish Council and sections of the local community, the proposed development does not satisfy the requirements of housing development in rural areas, outside identified settlements. The site is divorced from facilities and would not satisfy the need for housing development to be sustainable, given the reliance on use of the motor vehicle. The proposal is fundamentally contrary to the policies of the Herefordshire Unitary Development Plan and Government advice contained in PPS1 and PPS7.

RECOMMENDATION

That planning permission be refused for the following reasons:

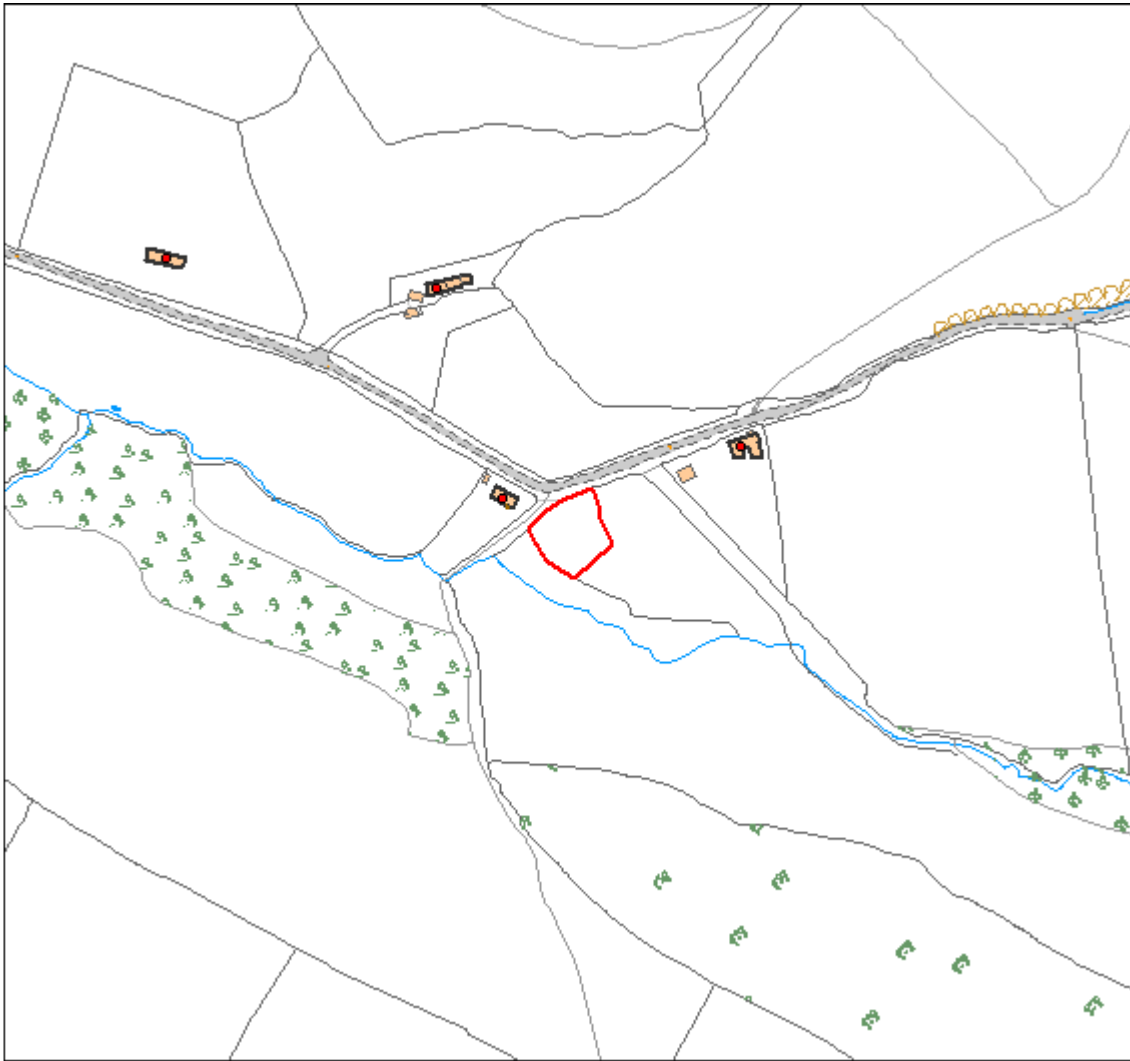
1. The proposal constitutes development in open countryside divorced from any established settlement identified in the Herefordshire Unitary Development Plan. The development of the site is not sustainable given the lack of facilities nearby and the reliance upon the use of the private motor vehicle. Therefore, the application is contrary to Policies H7, H10, DR2 and S2 of Herefordshire Unitary Development Plan and Government advice set out in PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas.
2. In the absence of any justification for the new dwelling in this isolated rural location, its presence within the landscape would be detrimental to the character and appearance of the site and surrounding area, which should be protected from unwarranted development for its own sake. Therefore the proposal would be contrary to Policy LA2 of the Herefordshire Unitary Development Plan.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/101907/O

SITE ADDRESS : LAND ADJACENT TO HOLLY BUSH, CRAFTY WEBB, BREDWARDINE, HEREFORDSHIRE, HR3 6BZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

