

AGENDA

Planning Committee

Date: **Wednesday 29 June 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 PGH Cutter
Vice-Chairman	Councillor BA Durkin
	Councillor PA Andrews
	Councillor AN Bridges
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor J Hardwick
	Councillor JW Hope MBE
	Councillor RC Hunt
	Councillor Brig P Jones CBE
	Councillor JG Lester
	Councillor MD Lloyd-Hayes
	Councillor G Lucas
	Councillor RI Matthews
	Councillor FM Norman
	Councillor GR Swinford
	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 June 2011.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	9 - 10
7.	PLANNING ENFORCEMENT PERFORMANCE To update the Committee in respect of Planning Enforcement Performance for the period financial year 2010/11.	11 - 12
8.	DMN/102648/F - LOWER BUCKLAND, DOCKLOW, HEREFORDSHIRE, HR6 0RU Erection of single 300kW wind turbine (maximum height 66.7m) and associated infrastructure and access track.	13 - 32
9.	DMN/102668/F - HAYGROVE FARM, FALCON LANE, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2PY Retain 61 caravans used for residential purposes by temporary agricultural workers (i.e. 23 at 'Oakside', 8 at 'Woodside' and 30 at 'Lakeside') and the retention of a 'welfare block' and refuse storage area at 'Woodside' and a 'recreational' building at 'Oakside'.	33 - 44
10.	DMN/110051/F - THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ Two mobile homes and new access on established gypsy site.	45 - 52
11.	DMS/110942/F - MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP Retention of farm track.	53 - 60
12.	DMS/110593/F - THE GROVE, LLANGROVE, HEREFORDSHIRE, HR9 6EN Revised access layout (previously approved application DMSE/100075/F).	61 - 66
13.	DMS/110810/F - LAND NR. CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS Carport to Plot 1 and five garages to replace garden sheds.	67 - 72

14. **DMS/110988/FH - OAK TREE COTTAGE, LONGTOWN, HEREFORDSHIRE, HR2 0LQ** 73 - 76

Extension to provide study & dressing room.

15. **DATE OF NEXT MEETING**

Date of next site inspection - 19 July 2011

Date of next meeting - 20 July 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 June 2011 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, EPJ Harvey, JW Hope MBE, RC Hunt, JG Lester, MD Lloyd-Hayes, G Lucas, FM Norman, GR Swinford, DC Taylor and PJ Watts

In attendance: Councillor JLV Kenyon

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that at the recent meeting of Council, Councillor PGH Cutter was elected as Chairman and Councillor BA Durkin was appointed as Vice-Chairman of the Planning Committee.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RI Matthews and JD Woodward.

3. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors EPJ Harvey and DC Taylor attended the meeting as substitute members for Councillors JD Woodward and RI Matthews.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. MINUTES

RESOLVED: That the Minutes of the meeting held on 27 April 2011 be approved as a correct record and signed by the Chairman.

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all Officers who were present at the meeting.

The Development Manager advised Members that an appeal had been lodged in respect of two decisions made by the Committee, contrary to Officer's recommendation, in October 2010. He advised that the appeals would be heard on 28 June and 5 July 2011 and requested that a representative of the Planning Committee attend the hearings. Councillor PJ Watts volunteered to represent the views of the Committee.

7. APPEALS

The Planning Committee noted the report.

8. DMS/110564/CD - FRANKLIN HOUSE, 4 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2AZ

The Senior 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 Edwards spoke in objection to the application.

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

- It was recognised that the application was unlikely to be refused due to the strategic delivery of service and the Council's need for an info shop in the city centre.
- Although the building was a good example of 1960's architecture it did need improving.
- Concerns were raised in respect of the Mr Edwards' neighbouring business which would be the only retail unit in Blueschool Street and had been isolated by a strategic decision.
- Concerns were raised regarding the narrow pavement at the front of the building. The provision of a smoking area at the rear of the building was suggested in order to alleviate pedestrian build up near the roadside to the front.
- An average of 4000 people visited the info shop on a weekly basis. The junction may need significant improvements and widening to accommodate the high numbers.
- Mr Edwards should be supported as his business had been threatened with demolition for the previous 6 years.

Some Members had concerns regarding the provision of a smoking area at the rear of the premises. On balance they felt that smoking should be discouraged and that smokers would smoke at the front of the building anyway. It was deemed more appropriate to ensure that the front of the building and the access was designed in a manner to draw people away from the busy pavement in order to address the capacity issues.

Another Member of the Committee did support the provision of a smoking area and also voiced concerns in respect of the cost incurred in moving the info shop from its current location.

Concern was expressed in respect of the provision of roller shutters at the front of the building. The Senior Planning Officer advised Members that the building was in the proximity of a busy nightclub and that the shutter would only be used during evenings. It was also noted that the colour and design of the shutter could be agreed with the planning department prior to installation.

In response to a question the Senior Planning Officer also confirmed that the provision of a smoking shelter would be an unreasonable request on the applicants for a change of use application. The Locum Lawyer also added that any condition added by the committee would have to be precise, relevant, and accurate and that a condition for a smoking shelter would not be relevant or enforceable.

Councillors Hubbard was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening remarks and made a final request for the committee to reconsider its decision to not include the provision of a smoking shelter as a planning condition.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. The colour of the new aluminium fenestration surrounds shall match the existing.**

Reason: To ensure that the finished colour of the fenestration is appropriate for the building and the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

- 4. Prior to the installation of the roller shutter doors manufacturer's details of their design and colour shall be submitted to and approved in writin by the local planning authority. The approved shutter doors shall be installed as approved and thereafter maintained.**

Reason: To ensure that the doors are appropriate for hte building and the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

- 5. The change of use hereby approved shall not commence until the secure, covered cycling parking provision has been installed in accordance with the approved amended plan (378140/A/101 P3) and approved manufacturer's details.**

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

INFORMATIVES:

- 1. N15 Reason(s) for the Grant of PP/LBC/CAC**
- 9. DMN/110776/F - LEADON COURT INDUSTRIAL BUILDS, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT**

The Senior Planning Officer gave a presentation on the application.

The Committee noted that there were a number of similar developments throughout the county and felt that the applicant should be applauded for their investment in renewable energy.

RESOLVED

That planning permission be granted subject to the following conditions:

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

INFORMATIVES:

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

2. **N19 Avoidance of doubt - Approved Plans**

10. **DMN/110787/F - MEADOW END (FORMALLY LABURNUM), LITTLE COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4RG**

The Senior Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors A Seldon and JG Lester, the local ward members, commented on a number of issues, including:

- The principle of a dwelling on the site had been established through the previous planning permission.
- The dwelling had been designed to be as carbon neutral as possible.
- The only real issue appeared to be one of the design and appearance of the dwelling.
- The dwelling was set back from the highway and was not visibly intrusive.
- At 4 metres high the proposed dwelling was similar in height to the neighbouring dwellings.
- The applicants could implement the previous planning permission, the current proposal was an superior scheme and should be supported.
- A sympathetic landscape scheme would be required to mitigate any possible impact on neighbouring residents.
- The Parish Council supported the application.

Members discussed the application and thanked the local members for clarifying issues regarding the sustainable design of the dwelling. They also welcomed the modern design. One issue regarding the roof material colour was raised. In response the Senior Planning Officer confirmed that condition 3 of the recommendation required the planning department to approve materials prior to the development taking place.

RESOLVED

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **I51 Details of slab levels**
8. **I16 Restriction of hours during construction**

Informative:

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

11. **DMN/102648/F - LOWER BUCKLAND, DOCKLOW, HEREFORDSHIRE, HR6 0RU**

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 Sinclair, representing the local residents, spoke in objection to the application and Mr Thomas, the applicant, spoke in support.

The Chairman advised Members that Councillor JW Millar, the Local Ward Member, could not be present at the meeting as he was currently out of the country.

Members discussed the application. A number of Members were of the opinion that the application should be approved contrary to recommendation. However they noted that due to the requirement of the Committee to make an assessment on the visual impact of the proposal it would be beneficial for them to visit the site.

In accordance with paragraph 5.13.4.1 of the Council's constitution, the Committee decided to undertake a site inspection as the felt that the setting and surroundings were fundamental to the determination or to the conditions being considered, and could not reasonable be made without visiting the site in question.

In response to a question, the Democratic Services Officer advised that all speakers who had registered to speak at the meeting would be given the opportunity to speak again at the meeting of the Planning Committee on 29 June 2011 when the application was reconsidered. He also advised that the site inspection would take place on the morning of 28 June 2011.

RESOLVED

That the determination of the application be deferred pending a site inspection on the following grounds:

- 1. The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonable be made without visiting the site in question.**

12. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.50 am

CHAIRMAN

PLANNING COMMITTEE

Date : 15 June 2011

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.

DMS/110564/CD- Change of use and shop front alteration to provide a council information centre, along with some internal alterations at Franklin House, 4 Commercial Road, Hereford, Herefordshire, HR1 2AZ

FOR: Mr Williams per Mr Philip Parker, Caburn House Brooks Road, Lewes, East Sussex, BN27 2BY

ADDITIONAL REPRESENTATIONS

Forwarding Planning: The change of use proposed would fall within the policy requirements set out in national, regional and local planning policy frameworks. No objection.

OFFICER COMMENTS

These comments reinforce the Officer's Appraisal and recommendation set out in the Committee Report.

NO CHANGE TO RECOMMENDATION

DMN/102648/F- Erection of single 300kW wind turbine (maximum height 66.7m) and associated infrastructure and access track at Lower Buckland, Docklow, Herefordshire, HR6 0RU

For: Mr Thomas per Mr Oliver Penney, 1 High Street, Clydach, Swansea, SA6 5LG

ADDITIONAL REPRESENTATIONS

A copy of a letter that has been sent to all Members has also been forwarded to the Case Officer.

OFFICER COMMENTS

The letter does not raise any new issues. It questions the weight that has been attributed to the Landscape and Visual Impact Assessment and highlights that the Landscape Officer considered it to be a "fair and balanced" report. This has not been questioned in the committee report. It should be noted that, whilst the Landscape Officer has commented as quoted, she has also commented as follows:

"I remain of the view that the turbine will attract views as a new focal point, appearing as a large, isolated structure, detracting from the semi-natural landscape in the rest of the panoramic view."

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	29 JUNE 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeal.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS DETERMINED

Application No. DMS/090246/O

- The appeal was received on 4 February 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Griffiths
- The site is located at Green Orchard, Sutton Road, Cross Keys, Hereford, Hereford, HR1 3NL
- The application was refused on 6 December 2010
- Proposed demolition of existing redundant industrial building and replacement thereof with a dwelling to sustain an existing rural enterprise (single storey) and associated and ancillary car parking.
- The main issues are:
 - i) Whether, within the strict policy framework controlling development in the countryside, there is an essential need for a dwelling on the site for a rural enterprise worker;
 - ii) Whether the site is in a sustainable location; and
 - iii) The acceptability or otherwise of the flood risk assessment submitted with the application

Decision: The application was refused, under delegated powers, on 6 December 2010
 The appeal was DISMISSED on 1 June 2011
 An application for the award of Costs, made by the appellant against the Council, was DISMISSED
 An application for the award of Costs, made by the Council against the appellant, was ALLOWED

Case Officer: Ms K Gibbons on 01432 261781



MEETING:	PLANNING COMMITTEE
DATE:	29 JUNE 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 financial year 2010/11.

Key Decision

This is not a key decision.

Recommendation

That the report be noted

Enforcement Performance – Annual Report

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 2010 to March 2011.

In that period 742 new enforcement enquiries have been received and 501 cases have been closed.

Cases Opened

Type		Total
D01	Breach of Planning Condition	205
D03	Development Contrary to Approved Plans	62
D04	Unauthorised Operational Development	245
D05	Unauthorised Material Change of Use	144
D06	Unauthorised Works to Listed Buildings	43
D08	Unauthorised Works to Trees in a Conservation Area	1
D09	Unauthorised Advertisement	27
D10	Unauthorised demolition in a Conservation Area	1
D11	Untidy Land	14
	Total	742

Cases Closed

Type		Total
D01	Breach of Planning Condition	141
D03	Development Contrary to Approved Plans	48
D04	Unauthorised Operational Development	169
D05	Unauthorised Material Change of Use	91
D06	Unauthorised Works to Listed Buildings	20
D08	Unauthorised Works to Trees in a Conservation Area	1
D09	Unauthorised Advertisement	19
D10	Unauthorised Demolition in a Conservation Area	1
D11	Untidy Land	11
	Total	501

Enforcement Outcomes

Type		Total
C01	No Apparent Breach (not development)	123
C02	No Apparent Breach (permitted development)	77
C03	Immune from Action (4/10-year rule)	15
C04	Not Expedient to Take Action	62
C05	Resolved through Negotiation or Compliance	122
C06	Resolved by Planning Permission being Approved	52
C07	Enforcement Action Taken – Compliance Secured (blank)	1 49
	Total	501

In addition, since July 2010, 1026 building commencements have been checked for pre-commencement Condition requirements. Where there was no corresponding planning application, the plans, where available, were checked to see if planning permission was required.



MEETING:	PLANNING COMMITTEE
DATE:	29 JUNE 2011
TITLE OF REPORT:	<p>DMN/102648/F - ERECTION OF SINGLE 300KW WIND TURBINE (MAXIMUM HEIGHT 66.7M) AND ASSOCIATED INFRASTRUCTURE AND ACCESS TRACK AT LOWER BUCKLAND, DOCKLOW, HEREFORDSHIRE, HR6 0RU.</p> <p>For: Mr Thomas per Mr Oliver Penney, 1 High Street, Clydach, Swansea, SA6 5LG.</p>

Date Received: 1 October 2010

Ward: Hampton Court

Grid Ref: 356145,256855

Expiry Date: 15 December 2010

Local Member: Councillor JW Millar

Introduction

The determination of this application was deferred at the meeting on 15 June 2011 in order to hold a site visit. At that meeting the issue of financial contributions towards community projects was raised.

The purpose of a planning obligation (Section 106 Agreement) is to mitigate the potential impacts of a development and to make acceptable development that would otherwise be unacceptable in planning terms. This will often involve financial contributions towards community infrastructure and, for example, might include contributions towards education or transport improvements in respect of a residential development, where it can be demonstrated that they are directly attributable. The Council's approach is set out in the Planning Obligations Supplementary Planning Guidance.

The national policy context is set out in Circular 05/05 which says that all of the following tests must be met by local planning authorities seeking obligations:

- i) Relevant to planning.
- ii) Necessary to make the proposed development acceptable in planning terms.
- iii) Directly related to the proposed development.
- iv) Fair and reasonably related in scale and kind to the proposed development.
- v) Reasonable in all other respects.

The Circular also goes on to state that:

"... planning obligations should never be used purely as a means of securing for the local community a share in the profits of development ie as a means of securing a 'betterment levy'."

In this case it is considered that a request for the applicants to enter into a planning obligation would fail these tests in every respect. Community benefit might be derived from a scheme such as this if it were a co-operative project, an approach that PPS 22 does advocate. This is not the case here and it

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

is in this regard that the main body of this report comments on community benefits, not simply in terms of financial benefits.

Therefore it is not considered reasonable to request that the applicant enters in to a planning obligation. The tests of Circular 05/05 would not be met and the application should be determined with this in mind.

1. Site Description and Proposal

- 1.1 Lower Buckland is a 360 acre farm located on the A44, approximately half way between Leominster and Bromyard. It is a working farm and is currently used for a mix of farming practices including sheep and arable farming and pig rearing. Activities are concentrated around an established farm yard that is comprised of a range of modern, steel framed farm buildings and this is accessed via a privately maintained track which emerges directly onto the A44.
- 1.2 The farm falls within the landscape character area of Plateau Estate Farmlands as defined by the Council's Landscape Character Assessment. Such areas are particularly characterised by pronounced upstanding topography in a mixed farming land use. Due to the undulating character of the landscape, hedgerows on high land are a particularly visually prominent feature.
- 1.3 The area is typical of its landscape type. It is ordered, with regular shaped, medium sized fields, separated by mature hedges and small woodlands, the closest being Oak Wood approximately 150 metres to the north east. Buildings are scattered randomly within the general locality of the farm, but are absent within more immediate proximity to the application site itself. The complex of farm buildings that comprise Lower Buckland lies approximately 600 metres to the north west. An un-related farm holding known as Burnt Mill is located approximately 540 metres to the south east and a residential dwelling known as Sheepcote 770 metres to the south. A larger group of dwellings that have resulted from a conversion scheme lies a similar distance to the north east and other private residential dwellings are scattered in a random fashion along the A44. Amongst this group is the Grade II* listed Church of St Bartholomew which is also identified as a known roost for the Brown Long Eared Bat.
- 1.4 The land at Lower Buckland is crossed by a number of public footpaths and one of these footpath DH6, runs immediately adjacent to the application site in a north / south direction.
- 1.5 The proposal is for the erection of a single Enercon E33 300kW wind turbine, access track, hard standing and electronics enclosure. The turbine has a total height of 66.7 metres – 50 metres to its hub and a 16.7 metre blade radius. The supporting information accompanying the application advises that it is a gearless design and that this will mean that it is quieter than other comparable turbines as the absence of a gearbox removes mechanical noise. The supporting statement also indicates that the tower and rotor blades are to be coloured off-white. An option to paint the lower part of the tower in concentric green bands is highlighted if the local planning authority considers this necessary.
- 1.6 The access is a continuation of the existing track from the A44 to the farm and follows a field hedge running east/west for a length of 220 metres before turning south for a further 100 metres. The electronics enclosure is positioned at the point at which the track changes direction and is a 6.5 square metre steel cabinet, which will be coloured brown. An underground connection will run for approximately 310 metres to an existing 11kV power line to the north of the application site.
- 1.7 Prior to the submission of this application the applicant sought a Screening Opinion to determine whether the proposal would require the completion of an Environmental Impact

Assessment (EIA). Officers concluded that a scheme for a turbine larger than that which the local planning authority is now being asked to consider would constitute EIA development and issued its Screening Opinion accordingly. This was appealed by the applicant's agent and the Government Office for The West Midlands overturned this decision, concluding that:

"...the proposal would not have significant effects on the environment such as to require an EIA."

- 1.8 Consequently the application is not accompanied by an Environmental Impact Assessment. It does however include a detailed information document that covers matters relating to the specifications of the turbine, methods for its delivery and construction and a commentary on the perceived environmental, economic and wider benefits. It also includes information relating to potential environmental, archaeological and noise impacts, the potential for telecommunication, aviation and radar interference and the potential flood risks of the proposed development. Separate documents to assess the ecological and landscape impacts of the wind turbine have also been prepared and form an integral part of the planning application to be considered.

2. Policies

2.1 Herefordshire Unitary Development Plan – March 2007

S1	–	Sustainable Development
S2	–	Development Requirements
DR1	–	Design
DR4	–	Environment
DR13	–	Noise
T6	–	Walking
T8	–	Road Hierarchy
LA2	–	Landscape Character and Areas Least Resilient to Change
LA5	–	Protection of Trees, Woodlands and Hedgerows
NC1	–	Biodiversity and Development
HBA4	–	Setting of Listed Buildings
CF4	–	Renewable Energy

2.2 National Policy

PPS1	–	Delivering Sustainable Development
PPS5	–	Planning for the Historic Environment
PPS7	–	Sustainable Development in Rural Areas
PPS9	–	Biodiversity and Geological Conservation
PPS22	–	Renewable Energy
PPG24	–	Planning and Noise

Supplement to PPS1 – Planning and Climate Change
Planning for Renewable Energy – A Companion Guide to PPS22

West Midlands Regional Energy Strategy – November 2004

3. Planning History

- 3.1 DCNC2008/1311/F – New access onto the A44 – Approved 2 July 2008

4. Consultation Summary

Statutory Consultations

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

4.1 National Air Traffic Control Systems (NATS)

The proposed development has been examined by our technical and operational safeguarding teams and although the proposed development is likely to impact our electronic infrastructure NATS has no safeguarding objection to the proposal.

4.2 Civil Aviation Authority (CAA)

I have studied the information provided and can advise that I do not believe that the CAA would wish to make any site-specific observations. However, more generically, I must highlight that all parties should be aware that:

- There might be a need to install aviation obstruction lighting to some or all of the associated wind turbines should development proposals be progressed. This comment is made specifically if there were concerns expressed by other elements of the aviation industry. For example, if the Ministry of Defence (MoD) or a local aerodrome had suggested such a need, we the CAA (sponsor of policy for aviation obstruction lighting) would wish, in generic terms, to support such a claim.
- An anticipated amendment to international aviation regulatory documentation will require that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study.

4.3 Ministry of Defence (MOD)

The MOD has no objection to the proposal but comment as follows:

- The turbine should be fitted with 25 candela omni-directional red lighting or infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
- If planning permission is granted you must tell us:
 - a) The date construction starts and ends
 - b) The maximum height of construction equipment
 - c) The latitude and longitude of the turbine

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

4.4 Ofcom

Ofcom have found that within the assessed fixed link frequency bands there are currently no link ends within or fixed link paths that cross a 1000 metre radius coordination area for the stated turbine location.

Internal Council Consultations

4.5 Transportation Manager has no objection.

4.6 Public Rights of Way Manager has no objection.

4.7 Conservation Manager

Landscape

- 4.8 The Landscape & Visual Impact Assessment (LVIA) does present an assessment of the quality, condition and value of the landscape surrounding the proposal, together with a professional judgement on the impact that the proposal will have on this landscape. I accept the assessment that there will be no direct effect on key landscape character elements.
- 4.9 The LVIA also presents a systematic visual impact assessment, including view points from the adjoining public footpath (DH6). I agree with identification of viewpoint 7 as the key representational view, however I do not agree that the turbine's simple form has the ability to remain in balance with the scale and form of the landscape (para. 6.5.4). I remain of the view that the turbine will attract views as a new focal point, appearing as a large, isolated structure, detracting from the semi-natural landscape in the rest of the panoramic view.
- 4.10 On balance this application does not meet the requirements of UDP Policy LA2 as an identifiable significant change in the character of the landscape and visual amenity will occur as a result of the proposal. The LVIA professional assessment of the proposal has addressed this issue, however I remain against the principal of a large scale construction in this Bromyard Plateau landscape setting where there is a marked absence of built development. There will be a significant visual impact, although whether this is seen negatively or positively can vary.

Ecology

- 4.11 The proposed location for the wind turbine is within an arable field and more than 50 metres from the field boundaries in compliance with Natural England guidelines. The survey area does now include the area where the trench will be dug to link the turbine to the National Grid.
- 4.12 I am broadly satisfied with the assessment of the site; although it is not clear whether any trees are to be felled to enable the wind turbine to be installed, the potential for bat presence is negligible. I would expect best practice measures to be employed should any trees require felling. It is important that the ecological recommendations are followed to avoid any negative impacts. I would also expect an application of this nature to offer biodiversity enhancement measures, in line with PPS9. If the application is approved it is recommended that a condition is imposed to reflect this.

Archaeology

- 4.13 The site lies to the west of the scheduled Westington Camp. It is some distance away and, on balance it is considered that the location of the development is acceptable. It will not cause harm to the heritage asset at Westington and therefore no concerns are raised.
- 4.14 Environmental Health and Trading Standards Manager

Contaminated Land

- 4.15 Does not consider that the proposal will have any implications in respect of contaminated land issues and therefore raises no objection.

Noise

- 4.16 The details provided in respect of the proposed turbine and noise levels at nearby dwellings are acceptable. It is not necessary to provide a background noise survey and on the basis of the information submitted no objection is raised to the proposal.

5. Representations

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

Docklow & Hampton Wafer Parish Council

- 5.1 With the Government's new policy towards green energy the parish council are in favour of pursuing renewable energy. The accompanying survey to the application is comprehensive and should allay any concerns for local residents.

Humber, Ford & Stoke Prior Group Parish Council

- 5.2 The Council heard concerns raised by local residents in respect to the scale of the turbine and its impact upon the character of the landscape, the possible problems with noise, TV reception, and potential shadow flicker arising from the rotor blades. However the Council resolved to support the application by a majority vote and noted the plans for the underground cabling in order to connect to the main power line and for the siting and colouration of the sub-station building.

The Ramblers Association

- 5.3 The structure is adjacent to footpath DH6 and it is felt that this would affect the enjoyment of the footpath because of the visual impact of such a large structure. It will also be visible from other footpaths in the area. It would also result in unacceptable noise levels and presents a potential safety risk. The work involved in erecting the structure would impact upon the use and enjoyment of the footpath and for these reasons the Ramblers object to the application.

Hereford and Worcester Gardens Trust

- 5.4 The proposed turbine is sited close to a relict parkland landscape at Buckland. It is clear that the amenity planting associated with the parkland extended well beyond the formally designated area, towards the site of the turbine adjacent to Oak Wood and on the evidence alone the Trust registers its opposition.
- 5.5 The turbine will also have a significant visual impact, being evident from the rising land to the west of Leominster which will include the Croft Castle estate, and English Heritage Grade II* Registered Landscape. It will be seen well within the middle distance from Croft Ambrey and for several miles along the Mortimer Trail. The turbine represents an alien intrusion in an otherwise unspoilt vista with the backdrop of the Malvern Hills.

National Farmers' Union

- 5.6 The NFU believes that farmers should aspire to becoming carbon neutral and should have the opportunity to diversify their business by supplying renewable energy services.
- 5.7 It notes the statement in PPS22 that the wider environmental and economic benefits of renewable energy projects should be given significant weight and therefore strongly supports the proposal.
- 5.8 35 letters of objection have been received from local residents. In summary the points raised are as follows:
1. The proposal will have a negative effect on the character and appearance of the countryside.
 2. The turbine is out of keeping with its surroundings due to its scale.
 3. It is an alien, man-made feature that will industrialise the appearance of the countryside.

4. It will dominate the landscape.
5. The proposal will be detrimental to the setting of Buckland as an unregistered park and garden.
6. The photomontages submitted are not an accurate reflection of the proposal and do not show the visual effect of the proposal from the properties closest to it.
7. The turbine is sited too close to dwellings and will detrimentally affect their residential amenity due to its scale and overbearing appearance.
8. It will also have an effect on the wider community.
9. A Private Members Bill has been lodged to introduce a 1500 metre minimum separation distance between turbines and residential properties. The Council should defer the determination of this application until the outcome of the Bill is known.
10. Some planning authorities (Carmarthenshire) have already introduced a 1500 metre separation distance between turbines and dwellings. Herefordshire should do the same.
11. The proposal will have a detrimental impact on tourism in the County.
12. The potential impact on bats has not been fully investigated and further survey work should be completed during the season when they are active (April to October). It is only then that mitigation and monitoring procedures can be established with any validity.
13. The benefits claimed to be derived by the application are spurious and do not outweigh the negative visual impacts or the negative effect on the countryside.
14. There are no off-setting benefits for the local community. The proposal benefits nobody else other than the applicants.
15. The proposal will potentially affect the television reception of up to 130 properties. What protection will be afforded to local residents to mitigate against this?
16. If approved, the proposal will set a precedent for similar developments in this area and across the County.
17. The Council should have a strategic plan for wind turbines instead of letting development happen in a piecemeal fashion.
18. Concerns raised about shadow flicker and its effect over the landscape.
19. The proposal will introduce unacceptable levels of background noise that will destroy the tranquillity of the area and detrimentally affect the properties nearest to it.
20. The subject of de-commissioning is not addressed.
21. The efficiency of wind turbines is questionable.
22. The market for renewable energy is an artificial one created and maintained by Government and EU legislation and the subsidies paid.

5.9 One of the objectors has also commissioned a critique of the Landscape and Visual Impact Assessment prepared on behalf of the applicant. A full copy of this is retained on file and can be made available for inspection but its summary reads as follows:

Benefits of the Proposal

5.10 SUMMARY: The API over-states output and benefits

The Turbine in Context

5.11 SUMMARY: This is a 'Medium' fast-spinning turbine, but large in context.

Visual Characteristics of Wind Turbines

5.12 SUMMARY: Inquiry decisions accept that while turbines may be functionally effective, their scale and nature may contrast with the humanised environment; receptors' 'valency' should be discounted.

Receptors (People) and Usage

5.13 SUMMARY: A local and largely dispersed population of country-loving residents is supplemented by a network of public rights of way making this an accessible yet secluded area of Herefordshire countryside.

The Landscape and the Project

5.14 SUMMARY: The turbine is located on the locally high point in the midst of a rolling and varied landscape which is without significant detractors and would become its defining and out-of-character feature.

The Landscape and Visual Impact Assessment

5.15 SUMMARY: Superfluous viewpoints confuse the issue and none are analysed in the LVA. This assessment finds significant adverse effects at the 11 key locations plus an area to the SE omitted from the LVA. Major impacts occur for users of the footpath and bridleway network due to proximity which contravenes PPS22. Adverse impacts affect the visual amenity of occupants at Marston Stannett and the fringes of Risbury, and in combination with possible noise effects may amount to impacts on living conditions of residents at Sheepcote and Burnt Mill.

5.16 29 letters of support have been received, the vast majority of which are also from local residents. In summary the points raised are as follows:

1. Wind turbines are the best way to produce renewable energy.
2. Our reliance on fossil fuels is too great.
3. There are dangers associated with other forms of energy production. Nuclear power and the situation in Japan is clear evidence of this.
4. The proposal is a reasonable response to an urgent need to diversify farming.
5. Wind turbines are a worthwhile asset to the community.
6. The proposal will have little impact on the surrounding area, as demonstrated by the landscape and Visual Impact Assessment that accompanies the application.

7. Wind turbines are graceful and this proposal will not be a blot on the landscape.

8. The location of this proposal holds a good wind source and is also readily accessible.

5.17 Three non-committal letters have also been received. These acknowledge the need to pursue alternative forms of renewable energy production but comment upon the scale of the proposal.

5.18 The landscape and Visual Impact Assessment is a lengthy document that considers the landscape implications of the proposal. It has been compiled using an accepted methodology that has been agreed with the Council's Landscape Officer. The document is too long to reproduce in full, but the parts of its summary and conclusion relating to landscape and visual effects are detailed below:

Landscape Effects

5.19 Adopting this precautionary approach and taking into account the sensitivity and capacity of the landscape character and the scale of the proposals, including the mitigation measures described, the assessment concludes that there would be no significant effect on the overall character of either the landscape or the key characteristics identified.

5.20 There would be no direct effects on landscape elements and new planting and landscape management proposals would result in a Minor improvement.

5.21 The detailed assessment carried out within the 5 KM radius of the turbine demonstrates that effects are very sensitive to the distance from the turbine and the clarity of view. The large number of photomontages taken from the close range of a few hundred metres to a maximum at 6359 metres demonstrate this point.

5.22 Although it is possible to identify some potentially Major impacts in the immediate surroundings of the turbine, these should not be taken as representative of the overall effect on landscape character. Any turbine at any location within the County would have a similar implication.

5.23 Some Moderate impacts are more widespread, where the turbine is clearly visible from landscapes south of Docklow, and areas on the south side of the Holly Brook valley, including Marston Stannett, Sheepcote and Risbury. These landscapes within 2 kilometres of the turbine can be considered to be the most sensitive to change, but as set out, the impact of the single turbine is mitigated by its simple form and ability to remain in balance with the scale and form of the landscape.

5.24 A typical view is Photomontage V7 taken from the road approaching Marston Stannett, one of the closest and clearest views available and could be described as a worse case scenario. In this view the landscape continues to be the dominant element, not the turbine. Photograph 6.1 has been annotated to illustrate the relationship between the turbine and the form and scale of its setting. A crucial factor here is that the proposal is for a single feature of medium scale, which can act as a deliberately placed focal point providing a simple balance with its surroundings. As set out in Section 5.1 which deals with alternative options considered, this would not apply to the deployment of multiple, larger turbines in the same location. The key characteristics of the landscape are still present and its overall character remains.

5.25 Beyond this range, it is clear from the photomontages that the turbine would become a much more incidental feature with less impact on character varying from Minor to Negligible. It is also the case that these lesser impacts are more widespread within the ZTV and that the Moderate impacts are localised to a relatively close range of 2 km.

- 5.26 Beyond 5 or 5 km it is considered that for a single turbine of this scale, there would be no effects of significance.

Visual Effects

- 5.27 In terms of visual impact there is considerable variation in the impacts identified as views are so sensitive to range and orientation, the level of exposure and the screening effects to topography and vegetation. One factor emerging strongly from the site inspection was the influence of hedges, trees and woodlands on the potential impact, either by blocking or breaking up views or providing the scale and setting to reduce its prominence.
- 5.28 Where Large effects have been identified, for example at Sheepcote, a farmhouse at close range, parts of the Three Rivers Ride and footpath DH6, they are very localised and within 1 kilometre. Any turbine, anywhere in the County is likely to have a dominant effect on its most immediate surroundings. However, these close range effects are not duly obtrusive or overbearing for the dwellings involved, in the case of Sheepcote there is an opportunity to carry out planting, with the owner's agreement, which could edit out or deflect views within the wide panorama available to this property.
- 5.29 Moderate effects have been identified for properties in Risbury smaller numbers in Docklow and Marston Stannett and public rights of way. These effects are not considered significant.
- 5.30 Impacts for the unregistered parks and gardens at Buckland and Oaklands are considered to be small. Views of the turbine are peripheral, lying outside the main design axes, and planting can be carried out in mitigation. Impacts on other heritage features are also assessed as Small, as are all the communities, trails and features outside the 2.5 kilometre study area. Small impacts result in Slight or Neutral effects which are not significant.
- 5.31 For both the landscape and visual assessment there remains an alternative view that the impacts are not adverse and that many people, local residents or users or public footpaths, may at least have a neutral view. The precautionary assessment has defined a Very Large visual impact for footpath DH6 immediately next to the proposal. Some users may see this route as a positive opportunity to visit the turbine.

Conclusions

- 5.32 The provision of a single, medium scale turbine would not have a significant effect on the overall character of the landscape, or the key characteristics identified.
- 5.33 Any significant visual effects for individual receptors are localised and limited to a range of 1 kilometre.
- 5.34 The assessment demonstrates that the simple form of the single structure proposed enables it to remain in balance with the scale and form of the landscape.
- 5.35 In landscape terms Lower Buckland is an appropriate location for the proposed turbine.
- 5.36 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

The Principle of Development

- 6.1 Renewable energy is the term used to cover forms of energy that occur naturally and repeatedly in the environment - energy from the sun, the wind and the fall of water. It is

accepted that renewable energy resources can often only be developed where they occur and this is of particular relevance with regard to proposals for wind turbines such as this that rely on locations where wind sources are good.

- 6.2 Of all of the policies contained within the Herefordshire Unitary Development Plan, Policy CF4 is the primary policy as it sets out the main issues to be considered in the determination of applications for renewable energy. There are of course many other policies that are also relevant, including those at a national level, and these will be referenced later.
- 6.3 The first two points identified by the policy relate to applications that are likely to affect the integrity of nationally designated sites such as Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest. This is of no direct relevance to this application as no such areas exist within any proximity to the site. The remainder of the policy is relevant as it deals with proposals where there is no specific landscape character designation. The key issues can be identified as follows:
- Landscape impact
 - The wider social and economic benefits of a proposal for renewables
 - Impact on residential amenity of neighbouring properties
- 6.4 By their very nature, proposals for renewable energy schemes will be located in the open countryside and therefore the principle of appropriately sited installations is accepted, subject of course to all other material planning considerations.
- 6.5 Whilst the letters of objection do raise a number of other issues that will be covered in this report, the three highlighted above appear to be absolutely key to their authors, and also to the determination of this application, and it is these that will be assessed first.

Landscape Impact

- 6.6 It is clearly evident that a wind turbine of a height of 66.7 metres will have significant visual implications and it will be visible from many public vantage points for miles around. The matter at stake here is the capacity of the landscape to absorb such a development, and this depends upon its characteristics and the scale of the proposal in comparison. Policy LA2 of the Herefordshire Unitary Development Plan requires the developments should demonstrate that landscape character has influenced their design, scale, nature and site selection and it is against this that the proposal should be considered purely in terms of its landscape impact.
- 6.7 Although wind is clearly a valuable resource, it must be acknowledged that many people have negative opinions of wind turbines due to their visual impact. It is important therefore that developments of wind turbines are carefully managed and due consideration is given to the potential impact on the landscape, and it is for this reason that officers requested the completion of a detailed Landscape and Visual Impact Assessment prior to the determination of this proposal.
- 6.8 The methodology employed by the applicant's landscape consultant is generally accepted, although the critique prepared on behalf of one of the objectors does question elements of it, particularly the location from which some of the photomontages have been compiled. There is also some disagreement between the two regarding the significance of the proposal on visual receptors, those being residential properties in the locality and also the public footpaths that provide recreational routes for the public more generally.
- 6.9 The landscape in which the proposed turbine is to be sited is described as Plateau Estate Farmland and this has been described at the beginning of this report. In her comments, the Council's Landscape Officer notes that the absence of built development is a marked landscape characteristic, as are medium and long distant views that are often framed by

groups of trees, in some cases planted specifically for this purpose. It is also noted from the information provided by the applicant's agent, and from visiting the site and surrounding area, that the turbine will have a visual impact in all directions up to 5 kilometres (3 miles) away.

- 6.10 The comment regarding the absence of built development needs some clarification as dwellings are identified in the LVIA as 'visual receptors'. There are a number of buildings within the local area, but due to the topography and vegetation they are not visually prominent from medium and long distance views. Notwithstanding this, the introduction of a wind turbine into a small scale and undulating landscape without any notable vertical man-made features will have a significant visual impact. The proposed turbine would result in a large isolated structure and the Landscape Officer expresses the opinion that this will result in something that will act as a new focal point in the wider panorama of the semi-natural landscape. Consequently she does not agree with the conclusion of the applicant's LVIA that;

"...the impact of the single turbine is mitigated by its simple form and ability to remain in balance with the form of the landscape."

- 6.11 I am minded to agree with the conclusion reached by the Council's Landscape Officer. The only other man-made feature of note that does exist is a telecommunications tower approximately 1 kilometre to the east of the application site. It is set against the backdrop of a wooded area and is comparable in height to this landscape feature. As a result it is not prominent and retains a human scale that reflects the landscape in which it sits. The same cannot be said for the proposed turbine and therefore it does have a detrimental impact on the character and appearance of landscape, contrary to policy LA2 of the Herefordshire Unitary Development Plan.

Social and Economic Benefits

- 6.12 Government policy regarding renewable energy is covered most specifically by PPS22. It provides a positive strategic approach to planning for renewable energy, and highlights the Government's aspiration to produce 20% of the country's energy from renewable technologies by 2020. It also suggests that renewable energy development can make an important contribution to the national economy, and can help to meet international commitments on limiting greenhouse gas emissions. When considering proposals, the wider environmental, economic and social benefits of renewable energy projects, whatever their scale, are material considerations that should be afforded significant weight.

- 6.13 The supporting statement submitted by the applicant's agent provides a numerical analysis of the proposal and the amounts of electricity that it can be expected to generate annually. This assumes a 35% efficiency rate (load factor) from the maximum output of the turbine and is calculated using average wind speeds. As an average it estimates that the type of turbine proposed will generate 883,008kWh per year, enough electricity to supply 188 homes. It also

suggests that over a 25 year period it would result in emissions savings if the electricity were to be generated by fossil fuels as follows:

10,154,592 kg of carbon dioxide
129,802 kg of sulphur dioxide
35,364 kg of nitrous oxides

- 6.14 It also advises that, due to the output of the turbine proposed, the electricity that it produces can be fed directly into the local distribution network, rather than being stepped up in voltage and sent into the high voltage national grid. The statement suggests that this increases the overall efficiency in the transmission of the electricity generated as it reduces losses through transformers and long distance power lines.

- 6.15 In terms of local economic benefits the statement suggests that planning permission for the turbine would secure the economic viability of Lower Buckland Farm and allow it to continue producing local produce and employing local people. During the construction phase non-technical work could be undertaken by local firms and it is estimated that 10-20 short term jobs would be created. More specialist work would need to be undertaken by others but they would stay in local accommodation during the construction phase.
- 6.16 The output of the turbine is questioned in the critique prepared on behalf of one of the objectors. It opines that the load factor of 35% is a grossly over-optimistic and that a more realistic figure might be in the region of 22-25%. The author of the document bases this assertion on actual data collected over the past three years from operational wind turbines. A comparison is drawn specifically to a site at Lynch Knoll, Nymphsfield near Stroud where a turbine with a 42 metre high hub with 20 metre blades (62 metres in total height) has been installed. It has the capacity to produce 500kW of electricity, is sited at an almost identical level above sea level at 230 metres (as opposed to 225 for the application site), and has a measured wind speed of 7.2 m/s (6.6 m/s for the application site). Data collected over the last three years shows that load factors of 19.6%, 21.9% and 22.3% were achieved at the Nymphsfield site. The data also suggests that load factors for onshore turbines have fallen over the last three years from 26.1% to 23.8% to 23%, suggesting a declining wind resource.
- 6.17 In your officers opinion the information provided in the critique does call into question the information provided by the applicant's agent as it has an evidence base. It does not seem unreasonable to assume a similar wind resource at the application site to that at the example given due to the relative proximity between the two. It also seems clear that wind speeds have declined over the past three years and consequently turbines have become less efficient at generating electricity.
- 6.18 It is acknowledged that PPS22 makes clear that local planning authorities should not reject planning applications simply because their output is small. However, it is considered that this difference in opinion about the expected output of the turbine does materially affect the weight that may be afforded to this aspect of the proposal when assessing it against other impacts.
- 6.19 The economic benefits derived from the proposal are considered to be limited and the suggestion that an approval would create short term jobs somewhat misleading. It is accepted that work would be generated during the construction phase, but the reality is that this would be contracted, with no guarantee that it would be undertaken by local companies. This is no different to an argument that might be made for any form of development in the open countryside and in your officer's view should only be afforded very limited weight when determining the application.
- 6.20 The farm currently employs 5 people from the local area, some of which are on a part time basis, and they are engaged in a range of farming activities. Additionally contract workers are employed as and when required. The supporting statement advises that part of the income derived from the proposal will offset the applicants electricity costs associated with their farming business. Although it is not explicit, it is assumed that the remaining income is expected to cover the cost of the installation of the turbine and to return a profit to the applicant, given that it is referred to as a form of farm diversification.
- 6.21 If the turbine manages to achieve the predicted outputs as specified in the supporting statement then it may well prove to be financially viable and economically beneficial to the applicant, thus helping to secure the long term future of the farm. What is less clear is whether the farm would simply become financially unsustainable without this development. In your officer's opinion, this seems unlikely given the level of investment that is required for a wind turbine.

- 6.22 In conclusion, the economic benefits of the proposal are considered to be limited. The construction of the turbine would possibly create short term work for existing local businesses but the installation would almost certainly be undertaken by a company with that technical expertise. Similarly occasional maintenance would be required but would not result in any meaningful contribution to the local economy. Furthermore, your officers are not convinced that the existing jobs on Lower Buckland Farm would be lost if planning permission were not to be granted for this development.

Impact on Residential Amenity

Visual Perception

- 6.23 The impact that any proposed development has on the residential amenities of nearby dwellings is largely subjective and this is evident in this case from the difference in opinion about the significance of impacts between the LVIA submitted by the applicant's agent and the critique of it prepared on behalf of one of the objectors.

- 6.24 In terms of a visual presence your officers' attention has been drawn to an appeal decision at Llethercynon in Powys where the Inspector set out his approach to assessing the perception of turbines in terms of their impact on residential amenity. It seems to provide a useful guide and is as follows:

*I have described turbines as '**prominent**' when they are easily seen and identified without the need for close examination of the landscape or having to refer to a map or photomontage to identify where to look. Turbines are '**dominant**' in my opinion if they are not just visible but draw the eye to the extent that little else is seen, even in an attractive landscape. I describe a turbine as '**overwhelming**' if it is so close, and of such a size, as to be likely to make the observer uncomfortable and want to move away.*

- 6.25 Interestingly, of the residents most likely to be affected by the proposal, the two closest and within a direct line of sight of the proposed turbine express conflicting views. The resident of Burnt Mill, some 550 metres to the east of the site is fully supportive of the proposal and expresses no opinion about the potential impact to his residential amenity. Conversely the residents of Sheepcote, 770 metres to the south, have registered strong objections based in no small part on issues of residential amenity and the effect it will have on the setting of their property.
- 6.26 Applying the test set out above, the turbine would be both prominent and dominant from both of these properties. It would be clearly visible from both of them and, due to the lack of any other features with comparable vertical emphasis, it would draw the eye immediately to it. However, I am less convinced that it would be overwhelming, particularly from Sheepcote, primarily due to the distances involved.
- 6.27 It is noted that Carmarthenshire have introduced a 1500 metre separation distance between turbines and dwellings and that this has been proposed as a Private Members Bill in the House of Lords. The latter is due to have its second reading on 10th June 2011 but is a considerable way from being passed as legislation. It cannot be afforded any weight in the determination of this application.
- 6.28 On balance, it is not considered that a refusal reason based on the impact that the proposal is likely to have on residential amenity in terms of its visual dominance could be substantiated. Whilst the turbine is likely to be prominent and dominant and harmful to the overall character, appearance and qualities of the landscape, it is not considered that it will be overwhelming to those properties closest to it.

Noise

- 6.29 Policy DR13 of the Herefordshire Unitary Development Plan deals specifically with issues relating to noise and advises that development with the potential for generating significant levels of noise or for exposing a noise sensitive use to a noise source will be required to demonstrate the noise impact can be mitigated. This will often require the completion of a noise assessment.
- 6.30 The supporting statement accompanying the application acknowledges that wind turbines do make some sound, but suggests that comparatively the noise generated by them is low compared to other sources such as road traffic or aircraft. It continues by advising that the Enercon E33 is gearless system, thus removing one element of mechanical operation that can give rise to noise. It also has a variable speed design which serves to reduce the blade tip speed and thus the aerodynamic noise as the blade passes through the air.
- 6.31 The applicant's agent undertook pre-application discussions with the Council's Environmental Health Department in respect of noise and has been advised that a detailed noise assessment is not required in this instance. The information submitted is based on evidence collated by a DTI working group and a notion that turbine noise levels at the nearest noise sensitive properties should be kept within 5dB(A) of the existing night time background noise level.
- 6.32 The findings submitted indicate that no property will be within a 35dB(A) radius of the turbine, and this is well within the accepted 20-40 dB(A) range for night time background noise level for a rural area. Your Officers are not in receipt of any detailed information that would seek to contradict this and the Council's Environmental Health Officer has not objected to the proposal. The proposal is therefore considered to be in accordance with Policy DR13 of the Herefordshire Unitary Development Plan and is therefore considered to be acceptable in this respect.

Shadow Flicker

- 6.33 When blades rotate and the shadow passes a narrow window then a person within that room may perceive that the shadow appears to flick on and off; this effect is known as shadow flicker. It occurs only within buildings where the shadow appears through a narrow window opening. Information given in the Government advisory notes entitled "Onshore Wind Energy Conditions Guidance Note" (published October 2007) suggests that only dwellings within 130 degrees either side of north relative to a turbine can be affected and the shadow can be experienced only within 10 rotor diameters of a wind turbine. It is possible to calculate the number of hours per year that shadow flicker may occur at a dwelling from the relative position of a turbine to a dwelling, the geometry of the wind turbine and the latitude of the wind farm site.
- 6.34 In this case there are no dwellings within such close proximity to be affected by shadow flicker and the proposal is considered to be acceptable in this respect.

Other Issues

- 6.35 A number of other matters have been raised by objectors that are material to the determination of the application and these will be considered in turn in the following paragraphs.

Impact on Ecology

- 6.36 It is understood that the applicant's agent contacted English Nature prior to the submission of the application. Their advice generally is that turbines should be located at least 50 metres away from wooded areas and hedgerows and where this is the case they would not expect as a matter of course that an application should be accompanied by detailed ecological

assessments. Policy NC1 of the Herefordshire Unitary Development Plan also requires proposals to demonstrate that they will not have adverse effects on biodiversity features or damage habitats of priority and / or protected species.

- 6.37 The proposed location for the wind turbine is within an arable field and more than 50 metres from the field boundaries in compliance with Natural England guidelines. Notwithstanding this the application is accompanied by an Extended Phase 1 Habitat Survey and an Initial Bat Survey, both of which were updated in March at the request of the Council's Ecologist. She has examined the findings contained within these documents and has visited the site and surrounding area herself, concluding that she is broadly satisfied with their findings and that the potential for bat presence is negligible.
- 6.38 The Council's Ecologist has recommended the imposition of a condition to require the completion of a full working method statement and habitat protection and enhancement scheme before any development commences if planning permission is granted. Some objectors have highlighted the existence of evidence to suggest a connection between wind turbines and increased bat mortality rates and in light of this an additional condition to require annual monitoring once the turbine is erected is also recommended. This is approach that has been taken with other applications across the County and is considered reasonable in order that the Council can extend its knowledge and understanding of the ecological implications of wind turbines.
- 6.39 On this basis it is considered that the proposal accords with Policy NC1 and is acceptable in terms of its effect on the surrounding ecology and habitats.

Effect on Tourism

- 6.40 The potential for proposals to have a detrimental impact on the tourism industry is a claim often levelled at significant developments in the countryside. In fact there is no evidence to support this claim and in other parts of the country wind farm developments have actually become tourist attractions. In your officers' opinion the erection of a single wind turbine on this site is unlikely to have any demonstrable effect on the tourism industry across the county.

Electromagnetic Interference

- 6.41 The applicant's agent has advised that initial consultations were undertaken with Ofcom who identified three telecommunications companies having links within the vicinity of the proposed turbine – Orange, T-Mobile and Airways Solutions. They confirmed that they have no objection to the proposal and the agent concludes that the scheme will not cause any interference to telecommunications links. This is endorsed through the Council's formal consultation process and the response from Ofcom.
- 6.42 Some objectors have raised concerns about the potential for a turbine to cause television interference. The applicant's agent has acknowledged that this may be the case and has indicated a willingness to accept the imposition of a condition requiring a baseline television reception study to be undertaken before any development commences and that mitigation would be undertaken in accordance with its findings. A model condition to address these concerns can be found in the Onshore Wind Energy Conditions Guidance Note referred to earlier. As such these concerns can be adequately addressed by condition.

Aeronautical Interference

- 6.43 Detailed consultation has been undertaken in this respect and the responses are provided under the Statutory Consultations heading of this report. No objections have been raised, but the imposition of conditions has been requested. None of these are unduly onerous or unreasonable.

- 6.44 Some objectors have referred to the installation of lighting to identify the turbine and have mistakenly suggested that these would be attached to the blade tips. This is not the case. Two lighting units are proposed to be attached to the hub and it is not considered that they will cause any demonstrable impact on the surrounding area in terms of residential amenity.

De-commissioning

- 6.45 Planning permissions for wind turbines are usually given ‘temporary’ periods of up to 25 years as it is widely accepted that technological advancements may render them inefficient and / or obsolete by this time. Decommissioning conditions are commonly applied to permissions to ensure full and satisfactory restoration of the site, usually to its former use, once the planning permission lifetime has expired.
- 6.46 It is important that all restoration and reinstatement work is carried out in accordance with a scheme approved in writing by the local planning authority and this can be reasonably requested by condition. This ensures the specific details of the decommissioning work are outlined and agreed on prior to being carried out. It is standard practice to specify a time by which the required works are to be completed.

Conclusion

- 6.47 The determination of this application is finely balanced. It has been demonstrated that the proposed turbine will have an impact on the landscape and there are conflicting views between the applicant’s landscape consultant, the Council’s Landscape Officer and a consultant employed by an objector about the extent of this impact.
- 6.48 The character of the landscape is quite distinct. It is open and undulating and largely devoid of significant vertical emphasis, either from natural landscape features or man-made structures. The proposal is at odds with this and it is considered that it will be extremely prominent and dominant, contrary to the objectives of Policy LA2 of the Herefordshire Unitary Development Plan.
- 6.49 PPS22 does advocate a positive approach towards renewable technology but does clearly state that all matters should be taken into consideration in the determination of applications. It is not simply a ‘green light’ to any form of renewable energy production.
- 6.50 The outcome of the application therefore rests with the other social, environmental and economic benefits that might be derived from the proposal, and whether these outweigh the landscape harm that will be caused.
- 6.51 The economic benefits to be derived from the proposal will be accrued solely by the applicant and it is not a scheme that seeks to achieve a wider community benefit. Whilst the electricity generated will feed directly into the local network, this will be of no financial benefit to residents in the local area. Your officers are not convinced that jobs on the farm will be lost if the proposal does not go ahead and the financial benefits to local firms during the construction phase, although welcome, would be limited. The social and economic benefits are considered to be marginal and do not outweigh the landscape harm referred to above.
- 6.52 The eventual output of the turbine has been called into question and it appears to your officers that this is based on a sound evidence base of information collated over a three year period from operational turbines and wind farm sites. It is accepted that PPS22 advises local authorities that the fact that a turbine has a small output is not reason in itself to refuse an application, but this has to be balanced against the other effects that a proposal has. The environmental benefits in terms of reductions in emissions and energy production are

considered to be overstated and do not outweigh the landscape harm that is likely to be caused.

- 6.53 It is therefore concluded that the landscape harm caused by the proposal is not outweighed by the other material planning considerations referred to above and is therefore considered to be contrary to Policies LA2 and CF4 of the Herefordshire Unitary Development Plan and the guiding principles of PPS22 – Renewable Energy.
- 6.54 Other matters considered to be relevant to this proposal either do not provide sufficient justification to refuse the application or can be satisfactorily addressed through the imposition of conditions, but notwithstanding this the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposal represents an alien and discordant feature within the landscape whose impact cannot be satisfactorily absorbed by it or mitigated through the imposition of conditions. It will therefore have an unacceptable and detrimental impact upon the character and appearance of the landscape, contrary to Policy LA2 of the Herefordshire Unitary Development Plan. The applicant has failed to demonstrate that there are sufficient social, economic or environmental reasons to outweigh the harm caused and this is further contrary to Policy CF4 of the Herefordshire Unitary Development Plan and the guiding principles of Planning Policy Statement 22 – Renewable Energy.**

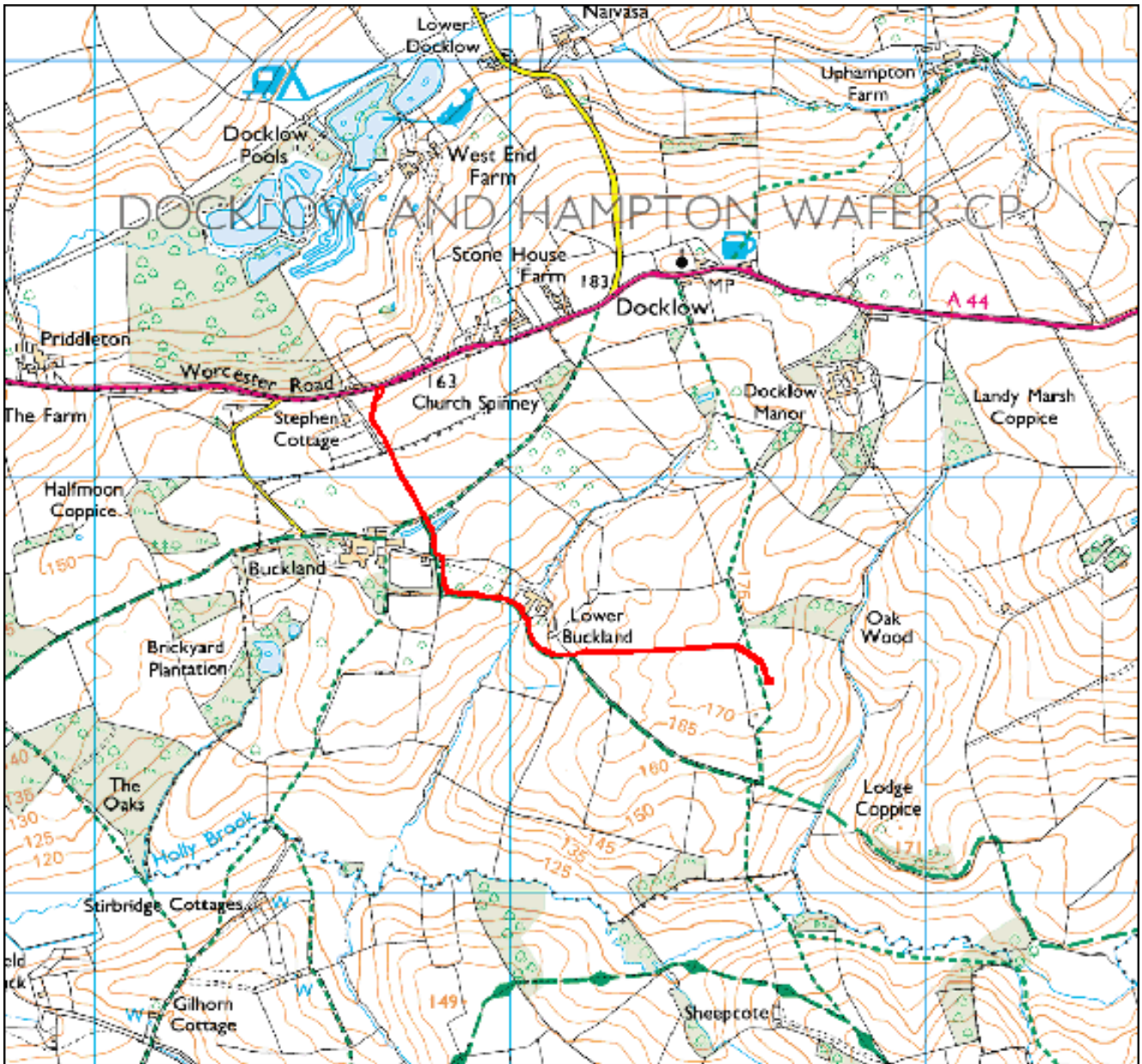
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



APPLICATION NO: DMN/102648/F

SITE ADDRESS : LOWER BUCKLAND, DOCKLOW, HEREFORDSHIRE, HR6 0RU

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:	29 JUNE 2011
TITLE OF REPORT:	<p>DMN/102668/F - AN APPLICATION TO RETAIN 61 CARAVANS USED FOR RESIDENTIAL PURPOSES BY TEMPORARY AGRICULTURAL WORKERS (I.E. 23 AT 'OAKSIDE', 8 AT 'WOODSIDE' AND 30 AT 'LAKESIDE') AND THE RETENTION OF A 'WELFARE BLOCK' AND REFUSE STORAGE AREA AT 'WOODSIDE' AND A 'RECREATIONAL' BUILDING AT 'OAKSIDE', AT HAYGROVE FARM, FALCON LANE, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2PY.</p> <p>For: Mr Davison per Mr James Waltham, Redbank Little Marcle Road, Ledbury, Herefordshire, HR8 2JL.</p>

Date Received: 13 October 2010 **Ward: Frome**

Grid Ref: 367295,238825

Expiry Date: 13 December 2010

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site lies to the west of Ledbury. Haygrove Farm, which has an area of some 69.2 hectares, is sited in the area between the A4172 to the west, the A438 to the north, Falcon Lane to the east and Baregains Lane/Little Marcle Road to the south. The Farm is spread over gently undulating ground rising to the north and east, with a dominant valley through the centre of the site running east to west.
- 1.2 Through the centre of the Farm is a public footpath that runs from west to east, from Falcon Lane to Pixley Church (i.e. public footpath PX1). This footpath is not linked to the wider network and as such is a linear route. To the south of the Farm is a bridleway that runs from Priors Court to Baregains Lane (i.e. public bridleway AL7). Along its route it passes through Ast Wood which is a Special Wildlife Site. Orling Coppice north of Ast Wood is part of the Special Wildlife Site. The remainder of Haygrove Coppice within the Farm is ancient woodland. The Farm is also visible from long distant public vantage points including Marcle Ridge and Durlow Common.
- 1.3 Haygrove Farm is actively used for agricultural purposes. Soft fruit comprising strawberries, raspberries, blackberries and cherries are grown upon approximately 45.8 hectares.
- 1.4 The agricultural enterprise requires a labour force that varies in numbers each month of the year. Haygrove Ltd. employs temporary agricultural workers on a temporary basis under the

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

Seasonal Agricultural Workers Scheme (SAWS). SAWS is designed to allow farmers in the United Kingdom to recruit overseas workers to undertake short-term agricultural work. The workers that obtain a work card to work are normally given a fixed period of three months, although a few extend their stay for a period of six months. These are genuine temporary (not permanent) agricultural workers.

- 1.5 To accommodate this temporary labour requirement Haygrove Ltd. has sited 97 caravans upon the land in three distinct areas (known as 'Oaksides', 'Woodside' and 'Lakeside'). Thirty-six of these caravans are lawful. This application seeks the retention of the remaining 61 caravans being 23 at 'Oaksides', 8 at 'Woodside' and 30 at 'Lakeside'. In addition, the application seeks the retention of a 'welfare block' (i.e. toilets and showers) and refuse storage area at 'Woodside' and a 'recreational building' where workers can relax at 'Oaksides'. These are modest single storey functional buildings.
- 1.6 In addition to the main farming enterprise at Haygrove Farm, the company also grows soft fruit in the near vicinity at 'Redbank' (3.7 km distant) and further afield at Newtown Farm near Newent (13.5 km distant), Whitehouse Farm at How Caple (18.7km distant) and Huntington near Kington (57.8 km distant). It is understood that all of the fruit is packed at 'Redbank'. In addition, to these activities the firm provides temporary agricultural workers to pick fruit at a local farm known as 'Hill Farm' along the Ross Road and packs fruit imported from South Africa.
- 1.7 To understand the relative contributions of each Farm to the overall enterprise I list below the amount of fruit picked at each farm in 2010 and the percentage that it represents:-
- Haygrove Farm 815,000 kg (41.8%)
 - Newtown Farm near Newent – 570,000 kg (29.3%)
 - Whitehouse Farm (How Caple) – 170,000 kg (8.7%)
 - Huntington near Kington – 116,000 (6%)
 - Redbank – 72,000 kg (3.7%)
 - Hill Farm – Ross Road – 25,000 kg (1.3%)
 - South African import – 180,000 kg (9.2%)
- 1.8 It should be noted that the temporary agricultural workers for the entire enterprise are not only accommodated at Haygrove. At Newtown Farm Newent there is accommodation for workers in a series of portakabin blocks and at 'Redbank' workers are accommodated in 19 caravans.
- 1.9 The number of temporary workers accommodated at each location is set out in the table below:-

Temporary Seasonal Workers located at -

	Haygrove Farm, Pixley	Newtown Farm, Nr Newent	Redbank	Out of site	Total
January	40-70	12	15-40	0	75
February	75-100	12	15-40	0	150
March	80-150	80	15-40	0	200
April	150-220	80	15-40	0	300
May	350-505	154	85-100	0	600
June	450-505	154	85-100	40-70	800
July	480-505	154	85-100	40-70	800
August	480-505	154	85-100	40-70	800
September	480-505	154	85-100	40-70	800
October	200-400	70	85-100	20-50	450
November	80-150	70	15-40	0	200
December	40-70	12	15-40	0	100

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

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 4	-	Economic Growth
Planning Policy Statement 7	-	Sustainable Development in Rural Areas
Planning Policy Statement 9	-	Bio-diversity and Geological Conservation
Planning Policy Guidance Note 13	-	Transport
Planning Policy Guidance Note 24	-	Planning & Noise
Planning Policy Statement 25	-	Development and Flood Risk

2.2 Regional Guidance

Regional Planning Guidance 11 (June 2004) and Regional Spatial Strategy for the West Midlands (January 2008).

2.3 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR7	-	Flood Risk
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H8	-	Agricultural and Forestry Dwellings Associated with Rural Businesses
Policy H11	-	Residential Caravans
Policy H13	-	Sustainable Residential Design
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Bio-diversity and Development
Policy NC4	-	Sites of Local Importance
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 The following list of planning history is not exhaustive but is considered to be of some relevance:-
- 3.2 DCNE2009/0425/F – The retention of polytunnels upon fields H, M, P, Q, X and Z and a comprehensive landscaping scheme for the entire site – Permitted 16th December 2009
- 3.3 DMN/102669/U – An application for a Certificate of Lawful Development under Section 191 of the Town and Country Planning Act 1990 (as amended) claiming that for a period in excess of ten years from the date of this application 36 caravans have been continuously sited on the land and used for residential purposes by temporary agricultural workers (i.e. 12 caravans at 'Woodside' and 24 caravans at 'Lakeside'); and that two amenity blocks at 'Lakeside', an accommodation block at 'Lakeside', an accommodation block at 'Lakeside' used for residential

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

purposes by temporary agricultural workers and a 'recreational building at 'Lakeside' were substantially completed in excess of four years ago – Certificate Approved and Issued on 16th December 2010.

- 3.4 DMN/103070/F – Retrospective application for siting of 2 mobile homes for permanent agricultural workers – Refused 3rd February 2011 – Enforcement Notice served on 8th March 2011 – Appeal lodged – Decision Awaited.

4. Consultation Summary

Statutory Consultees

4.1 The Environment Agency has not objected to the proposal.

4.2 Natural England has no objection to the application.

Internal Council advice

4.3 The Senior Landscape Officer does not object to the development.

4.4 The Council's Planning Ecologist is satisfied with the application provided an appropriate condition and informative is attached.

4.5 The Bridge and Structures Manager (Engineer) from Amey Consulting who advises on matters of surface water drainage is satisfied that there is no flood risk.

4.6 The Environmental Health Section has no objections.

4.7 The Area Engineer Transport Planning does not object and states:-

"Full justification for the continued use of the caravans has been supplied in the Transport Assessment. The reduction in vehicle trips using the current caravan accommodation over any alternative arrangement of off-site housing and consequent private travel to work modes, fully justifies the retention of the current system. The concentration of travel-to-work trips into larger vehicles made possible by concentrating the workers onto a few sites also reduces the potential for accidents, as the frequency of accidents will be broadly in line with the number of trips made."

5. Representations

5.1 The occupiers of eight dwellings in the vicinity, including one represented by a Solicitor, object on the following summarised grounds:-

- The caravans at Haygrove Farm provides labour for other more distant farms;
- By providing labour to outlying farms there is an increase in vehicular traffic on the local highway network;
- The application has a lack of information with regard the labour hours to each distinct task at each Farm;
- Concern with regard packers employed at Redbank being accommodated in caravans at Haygrove Farm. These walkers walk along Falcon Lane at the beginning and end of shifts during the night-time creating an undue level of noise and disturbance to local residents;
- Concern that the temporary residential occupation could become permanent;
- The development creates anti-social activity;
- The scale of the development is inappropriate;
- The highway network is inadequate to cater with the traffic generated; and
- Noise and disturbance at night may adversely affect protected species.

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

- The length of time workers occupy the caravans should be restricted;
- There has been a parking problem associated with workers with motor vehicles parking off-site;
- Motor vehicles transporting workers to other Farms and retail shops causes an unacceptable level of noise and disturbance to the occupiers of Knappaway Cottage;
- Additional landscaping is required;
- The users of the caravans drop litter in the surrounding lanes; and
- Loud music from the site causing a nuisance to local residents.

5.2 One letter of support has been received.

5.3 The Pixley and District Parish Council do not feel able to support the application as they do not consider that the following issues have been satisfactorily addressed:-

- Concern re: night-time noise;
- Traffic volume;
- Off-site parking of workers vehicles;
- Should the holding cease to be a fruit producing enterprise, it should be subject to a new planning application;
- The number of people at Haygrove requires justification;
- Haygrove is becoming an employment and residential hub for other sites;
- The length of time workers are here is increasing due to the longer season;
- Parishioners are becoming increasingly stressed by noise levels.

5.4 The CPRE have raised the following summarised concerns:-

- The site is potentially visible from sensitive areas such as the Malvern Hills AONB, the Marcle Ridge and surrounding public rights of way;
- Disturbance to local residents;
- Litter and anti-social behaviour
- Noise

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

6. Officer's Appraisal

6.1 Principle of Development – Development in open countryside and sustainability

6.2 The application site lies outside of any defined town or rural settlement. As such the site lies within the open countryside in planning policy terms. In essence both Central Government advice and Development Plan policy exercise an approach of development restraint within the open countryside. There are policies that allow for development related to agriculture and economic activity and there are also policies designed to strictly control new residential development within the countryside. There are, however, no policies within the Herefordshire Unitary Development Plan 2007 that deal with this specific scenario of providing accommodation for short-term temporary workers in caravans. As such, one cannot specifically state whether the proposed development complies with policy or not. It is therefore considered appropriate to view the Development Plan as a whole and examine its broad objectives.

6.3 It is considered that the broad objective of restraining development in the open countryside has the twin aims of controlling new permanent built development and to ensure a sustainable pattern of development.

- 6.4 In this case the accommodation for the temporary agricultural workers is not provided in the form of permanent buildings but in the form of caravans that are capable of being removed when the need for them no longer exists. It is understood that when one rents accommodation the leases normally require a minimum period of six months occupation and as such it is unlikely that the local housing market could satisfactorily accommodate such a number of short-term workers most of whom only stay for three months.
- 6.5 Furthermore, in terms of creating a sustainable form of development it is appropriate to locate workers as close as possible to their main place of employment. This reduces the need to travel to work by way of the private motor vehicle thus reducing carbon emissions and assisting in the management of climate change.
- 6.6 In this particular case it is understood that the workers at Haygrove spend the majority of their working hours at Haygrove Farm. It is the case that, on occasions, they are deployed to other farms but this represents a minority of their work time. The nature of farming is such that one does not need precisely the same number of workers on each farm every day of the year. The labour requirements vary each day and are not always predictable. In essence the business needs to be flexible in terms of its deployment of labour. One of many variables would be the weather. A fruit may ripen earlier one year than anticipated. Worker numbers can vary from season to season and week to week. An example is this spring, where the season was 2-3 weeks earlier than normal and as a consequence Haygrove had 150+ workers earlier than planned. Another example of flexibility is that workers are required to pick cherries at Lower House Farm, Huntington in the approximate period mid-July to mid-August, however those workers on a three month employment period would still spend the majority of their time working at Haygrove Farm. If they were to be accommodated at Lower House Farm, Huntington they would need to be transported back to Haygrove Farm on a more frequent basis increasing vehicular movements, creating an unsustainable pattern of development and potentially increasing disturbance to local residents. From a common sense point of view, it appears logical that Haygrove as a company would normally attempt to locate their labour where it is needed the majority of the time to reduce time and cost associated with travelling. It is appreciated that there may be other factors that contribute to their locational decisions but it seems logical that this would be a primary consideration. I would stress that the business does also have workers accommodated at their other large farm known as Newtown Farm in Newent and at Redbank in Little Marcle Road. By developing the business with three “hubs” of accommodation allows the business to concentrate the labour where it is required the majority of the time, reduces travel time and costs and provides flexibility to the business.
- 6.7 Therefore it is not considered that the proposal conflicts with the objectives of Central Government advice and development Plan policy.

Landscape Impact

- 6.8 A detailed Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. It follows recognised guidelines and best practice. The effects on the landscape are considered to be “minor negative to neutral”. The Senior Landscape Officer of the Council agrees with this analysis.
- 6.9 In essence, as described earlier, the Farm is in a shallow valley. The specific siting of the caravans have been very carefully selected such that they are barely visible from any public vantage points in the immediate area (i.e. public highways and public rights of way). Only very fleeting glimpses are achieved. The caravans and associated structures at ‘Lakeside’ are set in a natural depression in the land and are well screened by existing vegetation including Ast Wood and Orling Coppice to the south-west. Similarly the caravans and associated structures at ‘Oaksid’ and ‘Woodside’ are well screened by Haygrove Coppice to the south.

- 6.10 The caravans are not visible from the Malvern Hills Area of Outstanding Natural Beauty nor readily visible from the Marcle Ridge and Durlow Common areas.
- 6.11 Therefore it is considered that the caravans and associated structures are not visually harmful in the landscape.

Ecological Matters

- 6.12 The caravans at 'Lakeside' that are the subject of this application (i.e. the northern half of 'Lakeside') were sited in an area that was formerly an orchard. The loss of this traditional orchard is regrettable especially as such orchards have ecological value in addition to landscape value. As a consequence, during the course of processing this application, a replacement orchard of a similar area has been secured in a field at the north-western area of Haygrove Farm.
- 6.13 In addition to this replacement orchard, the application is accompanied by a comprehensive 'Landscape and Ecological Management Plan' for the entire Farm that includes "gapping-up of existing hedgerows.
- 6.14 All of these matters are considered to be acceptable and it is considered that the caravans and associated buildings do not have an adverse impact upon the landscape or bio-diversity.

Foul Drainage

- 6.15 The site has an existing sustainable drainage system in the form of a Wetland Ecosystem Treatment or WET System. The WET system is constructed as a series of specially designed earth banks and ponds - known as swales. The purification medium is topsoil not gravel as used with conventional Reedbed Treatment Systems. As the wastewater flows through these constructed soil banks it is both mineralised – and thus purified by microbial action – as well as evapotranspired by the growing plants. The WET System absorbs and transforms the organic nutrients found in wastewater converting these into both plant and microbial biomass as well as soil.
- 6.16 The WET System is planted with a wide range of aquatic and marginal plants and a variety of willow types – mainly osier or basketry varieties. It therefore creates a rich, multi-species ecosystem which gives enhanced bio-diversity to the local environment.
- 6.17 The WET System was created in 2003 and it has been confirmed that it has sufficient capacity to cater with the current input of around 50m³ per day. It functions well and it is understood that there have been no complaints with regard odour or pollution.

Noise & Residential Amenity

- 6.18 A Solicitor acting for an objector has expressed the view that an assessment against the provisions of Planning Policy Guidance Note 24 is required. However, this guidance applies to scenarios where one is introducing a noise generating use (e.g. a general industrial use) or development (e.g. motorway, railway) in close proximity to a noise sensitive use (e.g. residential). The same applies where one is proposing to introduce a noise sensitive use (e.g. residential) in close proximity to an existing noise generator (e.g. general industrial, motorway, railway). In this case the surrounding residential properties are a noise sensitive use as is the proposed residential use, albeit in the form of caravans. The use of land for the siting of caravans to be used for residential purposes is not inherently noisy. Therefore I do not consider that this in itself is a planning matter that is material to the determination of this application.

- 6.19 If, however, the occupiers of the caravans create an undue level of noise by say playing their music too loud during the night time (say 11pm to 7am) that would be a matter controllable by separate legislation (i.e. the Environmental Protection Act). Local residents experiencing such problems may make a formal complaint to the Environmental Protection Team of this Council if they feel that they are suffering such a noise nuisance. Similarly the Environmental Protection Team would deal with any complaints with regard anti-social behaviour. At the time of writing this report no such complaints had been received by the Environmental Protection Team.
- 6.20 The matter has been raised that workers occupying the caravans the subject of this application create an undue level of noise whilst walking to and from 'Redbank' along Falcon Lane, especially during the night-time (i.e. 11am to 7pm). It is accepted that this has been a problem in the locality and discussions have taken place with the applicant. The applicant is willing to accept a planning condition that prevents the workers occupying the sixty-one caravans the subject of this planning application packing fruit at 'Redbank' thus reducing the movement of pedestrians along Falcon Lane especially during the night-time.
- 6.21 With regard the issue of litter any complaints should be addressed to the Community Protection Team of this Council who would address them appropriately. At the time of writing this report no such complaints had been received by the Community Protection Team.
- 6.22 The buses that transport the workers to the outlying Farms and to the local shops use an existing vehicular access onto the A4172 to the west, not Falcon Lane to the east. That access road is well in excess of 100 metres from the nearest residential properties (i.e. Knapp Farmhouse, Knapp Cottage and Knappaway) and it is not considered that the occupiers of those properties suffer an undue level of noise and dust from the use of that roadway. The problem with re-surfacing that driveway with say tarmac is that vehicles then tend to travel at higher speeds with resultant higher noise levels.

Highway Matters

- 6.23 It is considered that the vehicular means of access onto the A4172 is satisfactory in terms of its design, including visibility. The highway network has sufficient capacity to cater with the traffic generated by the development under consideration.
- 6.24 Some of the views from local residents appear to relate to traffic generated by the existing agricultural use, and the polytunnel manufacturing and storage and distribution use at Knapp Farm, that are not under consideration.

Economic Benefits

- 6.25 The success and viability of businesses such as Haygrove Farm make a positive contribution to the rural economy. Clearly such a business requires a workforce and the numbers of workers required varies throughout the year such that people are employed on a temporary basis. Such workers need to be accommodated overnight.
- 6.26 Planning advice and policies advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets.
- 6.27 The growing of soft fruit in this country (including Herefordshire) has made a contribution to the substitution of local fruit for imported fruit which has sustainability benefits of reducing the international transportation of fruit by air and road (the food miles issue).
- 6.28 The activities of Haygrove generate significant employment and it must be stressed that this is not merely limited to the temporary agricultural workers under the SAWS scheme. All of these

workers spend a proportion of their wages locally making a positive contribution to the local economy.

- 6.29 In addition, to the above it is clear that the business at Haygrove Farm must purchase goods and services in the UK, including locally, helping to support jobs in supplier companies.

Other Matters

- 6.30 Local residents have raised the matter with regard workers private cars being parked on the local lanes. It is understood that a condition of their employment at Haygrove is that the workers do not possess a car. However, it is understood that there have been a few instances where workers have bought cars prior to the expiration of their employment term to enable them to travel on their journeys to their homes.
- 6.31 If an obstruction occurs to the public highway preventing people passing and re-passing this would be a matter for the Police.
- 6.32 However, the matter has been raised with Haygrove in terms of their management of the situation and whilst it appears good practice to continue to have a clause in the workers terms of employment preventing them having a car, on those rare occasions where this does occur it is considered that Haygrove should allow them to park within the farm rather than on the surrounding public highway network.

Conclusion

- 6.33 In conclusion, the provision of residential accommodation in the form of caravans upon this site assists a rural enterprise that requires a workforce of temporary agricultural workers. The location of the workforce at Haygrove Farm is logical in sustainability terms. The caravans are so discreetly sited that they are barely visible in the landscape. It is considered that there are no adverse environmental or transportation impacts that cannot be controlled by way of appropriate planning conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The occupation of the caravans hereby permitted shall be limited to persons solely working in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) upon Haygrove Farm (Pixley), Newtown Farm (Newent), Huntington (nr. Kington), Whitehouse Farm (How Caple), Redbank and Hill House Farm as outlined in red on the six plans attached to this decision notice.**

Reason: To ensure that unrestricted residential development is not permitted in the open countryside in accordance with policy H7 of the Herefordshire Unitary Development Plan 2007.

- 2. No individual agricultural worker shall be resident upon the site for a period in excess of six months in any one calendar year.**

Reason: To ensure that the occupation of the caravans hereby permitted is restricted to temporary rather than permanent agricultural workers. Permanent agricultural workers can, in the opinion of the Local Planning Authority, be accommodated within the wider existing housing stock divorced from the Farm. This is to ensure that unjustifiable residential development in the open countryside is not permitted contrary to policy H7 of the Herefordshire Unitary Development Plan 2007.

3. **None of the agricultural workers occupying the sixty-one caravans hereby permitted shall work within the packhouse at Redbank shown as Plan 6 attached to this decision notice.**

Reason: To restrict pedestrian movement and resultant noise along Falcon Lane, especially during the night-time, thus safeguarding the amenities of the occupiers of dwelling houses that front Falcon Lane, in accordance with policy DR2 of the Herefordshire Unitary Development Plan 2007.

4. **The replacement orchard and all the associated planting detailed upon drawing number 001 Rev A received 11th April 2011 shall be planted prior to 1st March 2012. 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 and that there is adequate replacement Orchard planting in accordance with policies LA6, NC6, NC7 and NC8 of the Herefordshire.

5. **All of the recommendations for habitats, protected species, landscaping and habitat management detailed within the 'Landscape and Ecological Management Plan' Revised March 2011 received 11th April 2011 shall be fully implemented in full accordance with the stated timescales and thereafter maintained as such.**

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

Reasons:-

A) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) regulations 1994 (as amended) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

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

6. **In the event of the caravans hereby permitted becoming redundant for purpose (i.e. no longer required to accommodate persons solely working in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) upon Haygrove Farm (Pixley), Newtown Farm (Newent), Huntington (nr. Kington), Whitehouse Farm (How Caple), Redbank and Hill House Farm) all sixty one caravans shall be removed from the site and the 'welfare block' (i.e. toilets and showers) and refuse storage area at 'Woodside' and 'recreational building' at 'Oakside' hereby permitted shall be demolished and all resultant materials removed from the land within a period of six months.**

Reason: To safeguard the open countryside from unjustified development in the long-term, in accordance with policies S1, S7 and LA2 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

1. The reason for granting planning permission is:-

The siting of caravans upon Haygrove Farm to accommodate temporary agricultural workers is recognised to be a necessary accompaniment to a rural based business. The development does not conflict with the Development Plan objectives of controlling unjustified new development within the open countryside nor does it prejudice the sustainability objectives of the Plan. It is not considered that there are any undue environmental effects to justify refusal of the application. As such the development is considered to comply with the objectives of both Central Government advice and the provisions of the Development Plan.

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

3. For the avoidance of any doubt the documents to which this decision relates are:-

- Landscape and Ecological Management Plan Revised March 2011 received on 11th April 2011;
- Landscape Plan – Drawing number 001 Rev A received 11th April 2011;
- Flood Risk Associated with Seasonal Workers Caravans and Ancillary Buildings – Report 20111 – January 2011;
- Planning Application Form received 13th October 2010;
- Application Site Plan (Scale 1:5,000) received 13th October 2010;
- Screening Letter & location plan received 13th October 2010;
- Planning Statement received 13th October 2010;
- Site Location Plan – Drawing number BEL10-046-01 (Scales 1:10,000 & 1:1250) received 13th October 2010;
- Oakside and Woodside – Existing & Proposed Block Plan – Drawing number BEL10-046-02 (Scale 1:500) received 13th October 2010;
- Woodside : Amenity Building 2 – Toilet & Shower Block – Drawing number BEL10-046-08 (Scales 1:100 & 1:50) received 13th October 2010;
- Woodside : Gas Bottle & Bin Store – Drawing number BEL10-046-09 (Scales 1:100 & 1:50) received 13th October 2010;
- Oakside : Recreation Block – Drawing number BEL10-046-10 (Scales 1:100 & 1:50) received 13th October 2010;
- Landscape & Visual Impact Assessment (October 2010) received 13th October 2010;
- Ecological Survey dated 26th August 2011 received 13th October 2011;
- Transport Assessment October 2010 received 13th October 2010;
- Biologic Design – Wetland Ecosystem Treatment received 13th October 2011;
- Economic Business Statement received 13th October 2011; and
- Design & Access Statement received 13th October 2011.

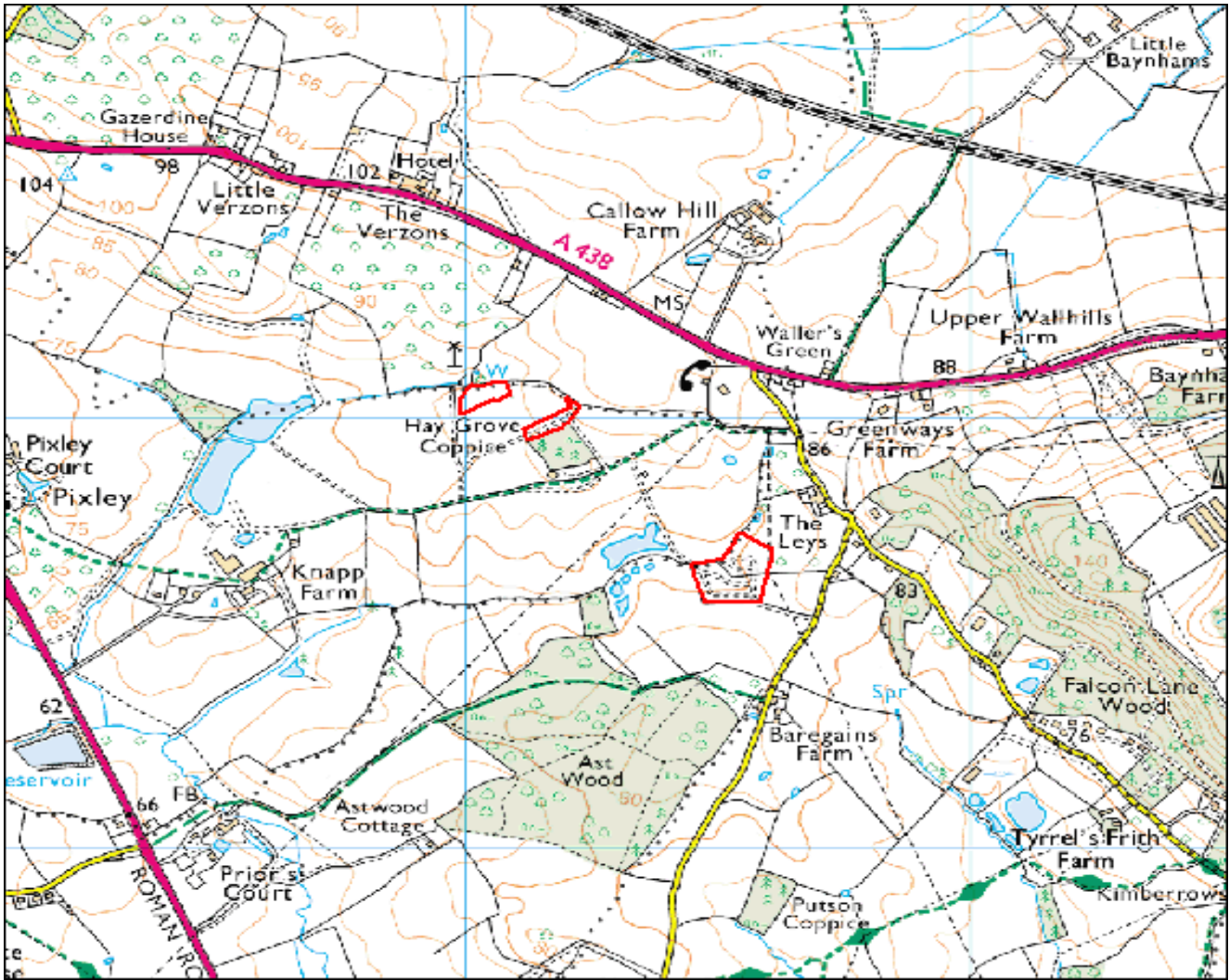
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

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



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

APPLICATION NO: DMN/102668/F

SITE ADDRESS : HAYGROVE FARM, FALCON LANE, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2PY

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:	29 JUNE 2011
TITLE OF REPORT:	<p>DMN/110051/F- TWO MOBILE HOMES ON ESTABLISHED GYPSY SITE AT THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ.</p> <p>For: Mr Smith per Mr Andrew Masefield, 66-67 Ashperton Road, Munsley, Ledbury, Herefordshire, HR8 2RY.</p>

Date Received: 10 January 2011 **Ward: Frome**

Grid Ref: 362266,245165

Expiry Date: 7 March 2011

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular parcel of land located in the open countryside north of the A4103 immediately to the east of Green Farm and south of Bull Ring Cottage in Lower Eggleton. Planning permission was granted in 2000 for one gypsy family to live on site in a mobile home. A personal condition was attached to the permission restricting the permission to Mr and Mrs DRP Smith only.
- 1.2 The site is accessed directly off Green Lane, with the mobile home sited to the north of the access. The access leads into a gravelled area which is enclosed by a brick wall. The applicants use this area to park a touring caravan and there vehicles. Beyond the gravel area the land slopes to the east down to the boundary. There is an open fronted building in the north east corner of the site used by the applicants for storage.
- 1.3 This application proposes two mobile homes on the site, one of which is to be occupied by Mr and Mrs Smiths daughter who has just turned 17 and the other by Mr Smith's father. The two mobile homes are proposed to be located to the north of the existing mobile home. Originally the proposal was to provide a new access to serve the two new units, however following concerns raised from local residents, the applicants have amended the scheme so that the existing access will serve all 3 mobile homes. The amendments also include additional landscaping to the on the north boundary.

2. Policies

2.1 National Planning Guidance

PPS7	-	Sustainable Development in Rural Areas
Circular 1/2006	-	Planning for Gypsy and Traveller Caravan Sites

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007

Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008

West Midlands Regional Spatial Strategy

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H12	-	Gypsy and Other Travellers
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change

2.3 Other Planning Documents:

Herefordshire Council Travellers' Policy, 2008

Gypsy and Traveller Accommodation Assessment Shropshire, Herefordshire, Telford and Wrekin and Powys revised final report July 2008.

3. Planning History

- 3.1 DCNE1999/2415/F - Site for one mobile home and one touring caravan to house one gypsy family. Withdrawn 26 January 2000.
- 3.2 DCNE2000/0884/F - One mobile home and one touring caravan to house one gypsy family. Approved 13 June 2000.
- 3.3 DCNE2001/1882/F - Provision of wrought iron gates and brick pillars to site entrance. Approved 2 October 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Environmental Agency: No objection to the proposed development as the development is to be sited outside of both Flood Zone 3 and Flood Zone 2 annual probability of flooding.

Internal Council Advice

- 4.2 The Transportation Manager makes no objection to the proposal.
- 4.3 Environmental Health and Trading Standards Manager makes no comment on the application.
- 4.4 The Forward Planning Officer identifies that the Unitary Development Plan seeks to meet the housing needs of all members of society. Considered the site to be within an accessible location to existing services, thus decreasing the reliance on the private motorised transport. Identifies that there is a need within Herefordshire to provide accommodation for Gypsy and Traveller accommodation. Concerned about the potential for flooding on the site.

5. Representations

5.1 Lower Eggleton and Stretton Grandison Parish Council have made the following comments on the planning application;

'This application is effectively a proposal for a new, separately owned dwelling with its own access. Such a subdivision contravenes the original planning application which limits the occupation to the lifetime of the applicant and his spouse as well as Section H12. We recommend that the Council rejects the proposal for a new access. While the additional family accommodation is acceptable there is no necessity for it to be either separately owned, to have its own access or for any right of occupation after the decease of the applicant.'

5.2 Much Cowarne Parish Council object to the planning application on the following summarised grounds:

- If other families are allowed to live on the site it will become a permanent site.
- Applicants have not integrated with the local community.
- Sufficient hard standing already on the site.
- A second access could allow the proposed site to be sold off; and
- A second access would negate any screening, especially when gate is left open.

5.3 Yarkhill Parish Council objects to the planning application on the following summarised grounds:

- The site is an 'Exceptional site' which is being used for a business use.
- Proposal would result in an increase in vehicle movements.
- Second access would constitute a new separate dwelling.
- Site not in keeping with other properties in immediate area.
- The new mobile homes would have an overbearing impact upon adjoining properties.
- Site is an unsustainable location as it is not in close proximity to any identified settlements.
- The current site generates substantial noise with regards to dogs barking and this would increase if the site was allowed to increase.
- Proposal detrimental to landscape character; and
- Proposal would have an adverse impact on flooding in the area.

5.4 Eleven representations of objection have been received from local residents. These are summarised as:

- Site not a Gypsy Site but a single residential unit.
- Not in keeping with surrounding area.
- Additional traffic not welcomed.
- Development would affect and increase flooding in the local area.
- Concern over drainage.
- Applicants have failed to integrate well into the community.
- Not a sustainable site as it is an open countryside location away from any main settlements.
- Additional screening not provided.
- Concern that other families will move into the site.
- A number of structures and walls have been constructed without the benefit of planning.
- Available spaces on Council owned sites.
- No linkage between existing and propose developments; Encroachment into the countryside.
- Site visible within landscape setting.
- Applicant ignored planning restrictions previously; and

- Impact on residential amenity of surrounding properties particularly noise from dogs barking.

- 5.5 A petition against the application has been submitted and is signed by 11 local residents.
- 5.6 Following amended plans which utilise the existing access and proposes additional screening, a second consultation period was held. Eggleton and Stretton Grandison Parish Council have been the only ones to withdraw their objection to the application.
- 5.7 The applicants Mr and Mrs Smith have submitted a letter in support of their application on the following summarised grounds:
- Concerned that the letters received from local residents are of a personal nature rather than considering planning considerations.
 - The business activities which neighbours refer to are in connection with their landscape garden business, and the parking of Mr Smiths works van over night; and
 - The proposed site for the new mobile homes is on higher ground above any flood plain.
- 5.8 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 Applications of this nature provide the only area of planning control where the need to maintain the life style of a section of community is an important factor in decision-making. However Circular 01/2066 states that 'the Government is committed to ensuring that members of the gypsy and travellers communities should have the same rights and responsibilities as every other citizen'.

Gypsy Status

- 6.2 A number of representations received have questioned the status of the application site as a 'Gypsy Site'. Planning permission was granted under DCNE2000/0884/F 'to site one mobile home and one touring caravan to house one gypsy family'. This permission was for the benefit of Mr and Mrs DRP Smith only. Mr and Mrs Smith are considered to meet the definition of a Gypsy or Traveller as defined in Circular 1/2006. The family unit comprises of Mr and Mrs Smith and their 3 children aged 3 to 17, all of which live within the current family unit. Mr Smith works as a self employed landscape gardener, with Mrs Smith and the eldest daughter working in the general locality. Mr Smith's father currently lives on a farm in Canon Pyon, where facilities are poor.
- 6.3 The two additional mobile homes under consideration are required for Mr Smith's father and his eldest daughter. A number of neighbours have raised concerns with regards to new families moving onto the site if the permission is granted. However a condition restricting the occupancy of the two mobile homes to defined dependants of Mr and Mrs Smiths family, i.e. children and or grandparents, could secure the long term viability of the pitch whilst also preventing its expansion and other families moving into the site. The existing mobile home on site is already restricted to Mr and Mrs Smith.

Main Issues

- 6.4 The application falls to be assessed under policy H12 of the Herefordshire Unitary Development Plan which sets the provision for Gypsy and other travellers. This is a criteria based policy which assesses traveller sites on their individual merits having regard to the issues of sustainability, size and scale, landscape impact, and the provision of suitable

residential amenity. Regard is made to other relevant policies in respect of local and site specific issues of highways, design, access, amenity and conservation.

- 6.5 The application is not for a new site, but an extension to the existing one to provide accommodation for family members. Therefore the main issues to be considered are:
- The effect of the proposal on the character and appearance of the surrounding area.
 - The effect of the proposal on the amenities of other residential properties in the immediate area; and
 - The personal needs of the appellant and his family and their personal circumstances.

Effect Upon the Character and Appearance of the Surrounding Area

- 6.6 The application site is adjacent to Green Lane, which has high hedgerow boundaries, restricting views into the site. However there are views into site from the A4103 when travelling from Worcester towards Hereford (east to west). These views are limited in the summer months when the trees are in leaf. The site is within a landscape characterised as Principal Timbered Farmlands in the Councils Landscape Character Assessment. Its key characteristics include field boundaries defined by hedgerows, ancient wooded character and densely scattered hedgerow trees and an organic enclosure pattern.
- 6.7 The development form in the area is generally linear along the A4103 Hereford to Worcester Road. The application site has hedgerow boundaries on all sides, with scattered trees. The applicants have constructed a brick wall within the site enclosing the existing mobile home and gravelled parking area, however the remainder of the site remains open.
- 6.8 The amended site layout plan depicts the two proposed static mobile homes directly to the north of the existing at right angles. The two mobile homes would be screened from the west by the established mature high hedgerow on Green Lane. The established hedgerow and other vegetation to the south and east would limit view from the A4103 public highway. The alignment of the highway means that the site only comes in to view for only a relatively short section of road as you round the bend when travelling from east to west. From the north the development adjoins the residential dwelling Bull Ring Cottage. Further additional planting and landscaping mitigation are proposed on this boundary to minimise the impact and protect the landscape position. It is considered expedient to attach conditions defining the area in which touring caravans and vehicles can be stationed, to further safeguard the character and appearance of the landscape in accordance with policy H12 and LA2 of the Herefordshire Unitary Development Plan.

Effect Upon the Amenity of Neighbouring Residential Properties

- 6.9 There are 6 residential properties that have access via Green Lane, with BaddyMarsh Farm at the end of the lane and the recently formed Loddon produce also located on the lane. The Bull Ring is the only residential property which adjoins the site and has direct views into it. The dwelling is located almost 30 metres from the boundary of the application site. The proposed mobile homes will be located 2.8metres from the boundary. The applicant intends to provide additional planting on the boundary to minimise the visual impact on The Bull Ring.
- 6.10 A number of the neighbours have raised concerns relating to noise, however the site will remain occupied by only one family. The Bull Ring along with all other neighbouring residential properties in the area, are considered to be sited at a distance away from the site, that the impact of the development on their residents outlook and living conditions is not considered so harmful as to have a materially adverse effect on their amenities. Conditions are recommended to restrict parking of vehicles and touring caravans to the existing gravelled area on the site. The proposal is considered to be in accordance with policies DR1, DR2 and H12 of the Herefordshire Unitary Development Plan with regards to amenity.

The Personal Needs of the Appellant and their Family and their Personal Circumstances

- 6.11 The applicant and his family are all Romany gypsies and have settled on the site for the last 10 years, with their two eldest children having attended Ashperton Primary School. It is the applicants' intention to send their youngest child to the school when the time comes. The additional two mobile homes would be occupied by the applicant's father and daughter. Their father is of elderly age and suffers from ill health. He currently lives on a farm in Canon Pyon where facilities are poor. The family have to make regular trips to visit and care for him. The applicant's daughter lives with them in the existing 3 bed roomed mobile home. However with there family growing up they want to give their daughter her own space, and free up space in the existing home for the other two children.
- 6.12 Circular 01/2006 recognises that gypsies and travellers are believed to experience the worst health and educational status of and disadvantaged group in England. Having their father live on site with them will enable the applicant to help and care for him. The reason for the additional mobile homes on the site is due to the personal needs of the applicant and their family. The applicants are happy for the mobile homes to be tied personally to themselves and there family.

Flooding

- 6.13 A number of residents have expressed concerns about flooding issues but the Environmental Agency have confirmed that the site is not within a flood risk area and have raised no objection to the proposal.

Conclusion

- 6.14 This application is not for a new Gypsy and Travellers site, but an extension to an existing one to provided additional accommodation for family members. The site is already subject to a personal condition restricting the occupancy to the applicants and their family. The UDP supports the development of sites for Gypsies and other travellers through a criteria based approach set out in policy H12. All the concerns of the local residents and Parish Councils have been given full consideration. However on balance the proposal does not have a harmful impact upon the highways, landscape and amenity of the area, and the applicants have a genuine need for the additional accommodation for their family.
- 6.15 Therefore the application is considered to comply with the policies contained within the Herefordshire Unitary Development Plan and is recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. This permission shall be for the benefit of Mr and Mrs D R P Smith and their parents and children only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants' special circumstances.

4. **G09 Details of Boundary treatments**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **Prior to the siting of the mobile homes hereby permitted, details of the size and appearance shall be agreed in writing with the Local Planning Authority. Development shall be carried out strictly in accordance with this agreement.**

Reason: In order to protect the visual amenities of the area.

8. **I17 Scheme of foul drainage disposal**

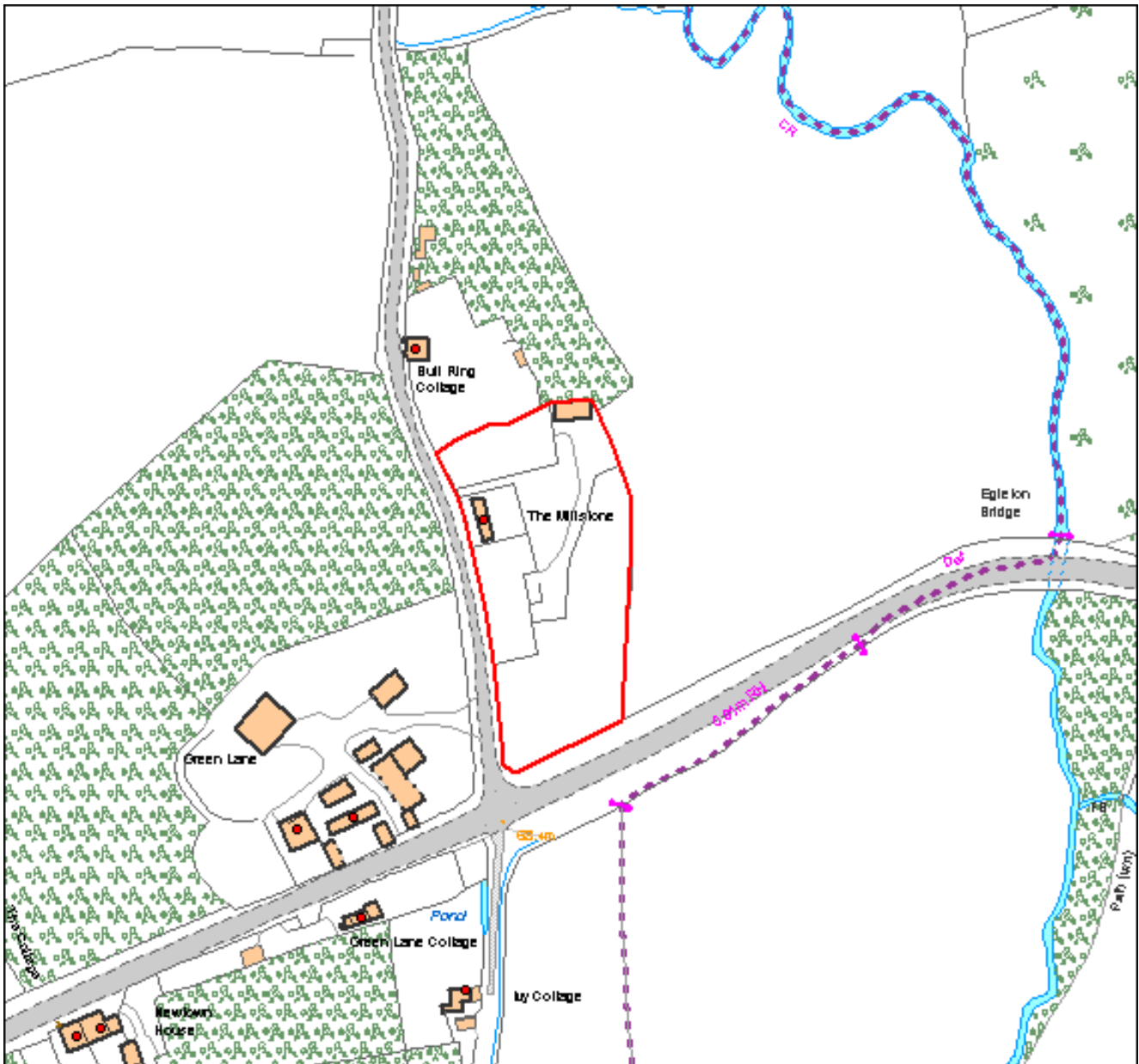
Decision:

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/110051/F

SITE ADDRESS : THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ

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:	29 JUNE 2011
TITLE OF REPORT:	<p>DMS/110942/F - RETENTION OF FARM TRACK AT MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP.</p> <p>For: Mr and Mrs Maquire & Mr & Mrs Ben & Agnes Tapsell per Dr Angus Murdoch, Murdoch Planning, PO Box 71, Ilminster, Somerset, TA19 0WF.</p>

Date Received: 11 April 2011

Ward: Old Gore

Grid Ref: 365430,226745

Expiry Date: 23 June 2011

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 Marsh Farm is located in the open countryside. The site is accessed to the north from the U70000, Tanhouse Lane. There is also an existing farm track that provides access from Marsh Farm to the B4221 at Hill Top. This track does not benefit from planning permission since it is not constructed in accordance with plans approved pursuant to DCSE2008/1288/F. During the proceedings relating to the ongoing Inquiry into the unauthorised use of land at Marsh Farm for the siting of caravans for use by gypsies and travellers, the discrepancies were identified and this has led to the submission of this retrospective application for the retention of the farm track as constructed.
- 1.2 Marsh Farm comprises a Grade II listed farmhouse with attached barns and two more recently constructed agricultural buildings that are close to the entrance off Tanhouse Lane. There are two unauthorised residential mobile homes adjacent to the agricultural buildings, which are the subject of the ongoing Inquiry.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport

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

2.2 Herefordshire Unitary Development Plan 2007:

S2	-	Delivering Requirements
S6	-	Transport
DR2	-	Land Use and Activity
DR3	-	Movement
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of trees, woodlands and hedgerows
HBA4	-	Setting of listed buildings
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
T8	-	Road hierarchy

3. Planning History

Farm Track

3.1 DCSE2008/1288/F Retention of farm track. Approved 07/04/2009.

Land at Marsh Farm, Upton Bishop (adjacent to current application site)

3.2 DCSE2007/2707/F Conversion of barn to form residential unit. Withdrawn.

DCSE2007/2713/F Conversion of barn 2 to form holiday accommodation and conversion of barn 3 to form office accommodation. Withdrawn.

DCSE2007/2899/S Hay barn/implement store. Prior approval not required. 4.10.2007.

DCSE2007/3445/F Application for temporary siting of mobile home. Refused 1.10.2008.

DCSE2007/3452/F Temporary siting of mobile home. Refused 1.10.2008.

DCSE2008/0320/S Implement shed for farm machinery. Prior approval not required 4.3.2008.

DCSE2008/2995/F Demolition of existing Grade II Listed farmhouse and attached barns and rebuild new farmhouse. Refused 5.2.2009.

DCSE2008/2991/L Demolition of existing of Grade II Listed farmhouse and attached barns. Refused 5.2.2009.

DCSE2008/2993/F Conversion and alterations of existing barns within the curtilage of a Grade II Listed barn to form farm office and farm workers staff rooms and secure stores/parking. Refused 6.2.2009.

DCSE2008/2994/L Conversion and alterations of existing barns within the curtilage of a Grade II Listed barn to form farm office and farm workers staff rooms and secure stores/parking. Refused 6.2.2009.

DCSE2008/2926/F: Proposed temporary siting of mobile home. Refused 26.1.2009.

DCSE2008/2951/F Temporary siting of mobile home. Refused 27.1.2009.

DCSE2008/3002/F Conversion of Grade II Listed threshing barn to form residential dwelling. Refused 3.2.2009.

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

DCSE2008/3003/L	Conversion of Grade II Listed threshing barn to form residential dwelling. Refused 3.2.2009.
DCSE2009/0855/F	Change of use of land and full planning permission to retain existing 1 mobile home. Retain existing log cabin mobile home and 4 additional log cabin mobile homes. Refused 22.6.2009.
DCSE2008/1568/F	Change of use of land and full planning permission to retain existing 1 mobile home. Retain existing log cabin mobile home and 4 additional log cabin mobile homes, 6 touring caravans for nomadic use only. Refused 15.9.2008. Appeal pending.
DMS/103232/F	Change of use of land to private gypsy site and traveller caravan site comprising of 4 pitches each containing 1 mobile home and 1 toured and utility block. Application withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Consultees

4.2 Traffic Manager: No objection subject to conditions.

4.3 Conservation Manager (Landscape): No objection.

4.4 Conservation Manager (Historic Buildings): No objection.

4.5 Conservation Manager (Ecology): No objection.

5. Representations

5.1 Linton Parish Council: No objection.

5.2 Twelve letters of objection have been received. In summary it is said:

- The constructed access is clearly visible from our property as it passes close to our eastern boundary with Marsh Farm;
- Prior to purchase of Marsh Farm by the present owners there was not a farm track evident across the fields, there was only a field access gate off the B4221 in the location of the current track position;
- I have an old aerial photograph which demonstrates that there was no farm track in existence in the current location;
- There never has been a track here;
- The current owners installed the track without planning permission being sought;
- This application is clearly linked to the proposed traveller sites. It is not true this is a track for farm use;
- There is no farming at Marsh Farm. It is not an operational farm;
- The track is not required for farm deliveries. There are commercial vehicles on site – carpet vans and a home care van. These are not farming activities;
- The track is obviously for residential use and as such should be the subject of a proper new application for residential use;
- This track is an eyesore on the local landscape, visible from other parts of the parish;
- This is a field which is unnecessarily being altered;

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

- It will lead to accidents.

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 considerations in this application are:

- The use of the access and the resultant impact on the amenity of neighbouring dwellings.
- The visual impact of the proposal.
- The impact of the proposal on highway safety.

6.2 Retrospective planning permission has been granted for a farm track at Marsh Farm, DCSE2008/1288/F refers. However, the plans submitted with the application did not match the line of the track as constructed. The submitted plans indicated the line of the track from the entrance off Hill Top running in a direct north-easterly line to the rear of Marsh Farmhouse and buildings. However, the track as constructed is further across from the position on the approved plan and follows a different route. Specifically, from the entrance off Hill Top the track follows the contours of the land and a fenced field boundary and continues in a north easterly direction approximately 160 metres east of the approved line until it meets the rear of the Marsh Farm complex where it diverts southeast along the end of the farm house and barns and continues in front of the farm house up to the two more recently constructed farm buildings, and unauthorised mobile homes which are being occupied by gypsy travellers. These are subject of a separate refused planning application and an Enforcement Notice and an ongoing appeal.

6.3 Reference to the objections received confirms that there is a difference of opinion as to whether a track existed from the Hill Top entrance to Marsh Farm. However, permission was granted for a farm track albeit along a different route than that now being considered and as such it is not considered reasonable to question the principle of providing a farm track. Insofar as the visual impact is concerned the track is not considered to be visually prominent due to the topography of adjoining land and where possible the track follows hedgerow boundaries. Where it does cross open fields, a post and wire fence has been erected to denote the boundary of the track and the boundaries have been landscaped with a mixture of hedgerow and tree planting approved pursuant to the 2008 permission. The Conservation Manager (Landscapes) has given consideration to the line of the track as constructed and comments that the alignment of the track is acceptable with the contours of the site. Consequently, it is considered the track does not have an adverse impact on the character of the landscape. As such the retention of the track complies with Policy LA2. No further trees or hedgerows would need to be removed and as has been stated above additional landscaping has been carried out.

6.4 In addition to the key consideration of the landscape impact, the Council's Ecologist and Senior Building Conservation Officer have advised that there is no objection to the alignment of the farm track as constructed. Having regard to these views, it is considered that Policies NC9 and HBA4 are satisfied.

6.5 It has been said that the track will be used for a variety of vehicles to access the site and not solely for agricultural vehicles. As proposed, the application is for the retention of a farm track to serve the lawful use of the land for agricultural purposes. Policy DR2 requires that development does not prejudice the amenity or continued use of adjoining land and buildings. The nearest dwelling to the track is Trem Y Bryn. The distance between the dwelling house and the track is approximately 50 metres with the boundary of the garden being approximately 18 metres or so from the track. A further consideration is that Trem Y Bryn is adjacent to the B4221, which is a busy, fast road with a speed limit of 60mph. Although the proposal would

introduce additional vehicular movements, it is considered that the comings and goings associated with the agricultural use of the farm would not give rise to any significant noise or disturbance, particularly given the reasonably high ambient levels from the adjacent road network. There is an existing hedge on the northwest boundary of Trem Y Bryn which does screen the track.

- 6.6 With regards to highway safety, the 2008 application was subject to lengthy negotiations with the applicant. A speed survey had been undertaken and the resultant transport assessment submitted with that application outlined the visibility that can be achieved at the access. Visibility to the northwest was hampered by an existing telegraph pole which has now been repositioned so that it no longer interferes with the visibility. The Traffic Manager has given consideration to matters of highway safety and comments that the entrance onto the B4221 is acceptable subject to improvement in visibility which can be achieved within the limits of the highway by cutting back hedgerows either side of the entrance.
- 6.7 To conclude, the proposal is not considered to harm the landscape character of the area and adequate visibility splays can be achieved to provide safe access and egress. With regards to the impact on the amenity of neighbouring dwellings, there is an existing access, which can lawfully be used, and given the noise arising from vehicles travelling along the B4221 and the landscaping that has and would be undertaken the track is not considered to give rise to any significant noise or disturbance to warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. B01 Development in accordance with the approved plans**
- 2. The entrance onto the B4221 shall be provided with visibility splays measuring 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 120 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 the Herefordshire Unitary Development Plan.
- 3. The access gate shall remain set back 12 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 Herefordshire Unitary Development Plan.
- 4. The new access shall be constructed in accordance with the specification providing in Appendix A1 of Herefordshire Council's Highways Specification for New Developments' from the nearside edge of the carriageway for a distance of 15 metres and shall remain in perpetuity.**

Reason: In the interests of highway safety to prevent debris from entering onto the public highway.

5. A highway management plan, including management responsibilities and maintenance schedules for the access and track, shall be submitted to and approved in writing by the local planning authority prior to the use of the new access. The highway management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the adjacent dwellings.

6. None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the local planning authority.

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

7. No development shall take place until a scheme of tree planting between the access track and boundary of Trem y Bryn has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees to be planted and the proposed time of planting. All tree planting shall be carried out in accordance with those details.

The trees shall be maintained for a period of five years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

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

Informatives:

- 1. HN01 Mud on highway
- 2. N15 Reason(s) for the Grant of PP/LBC/CAC

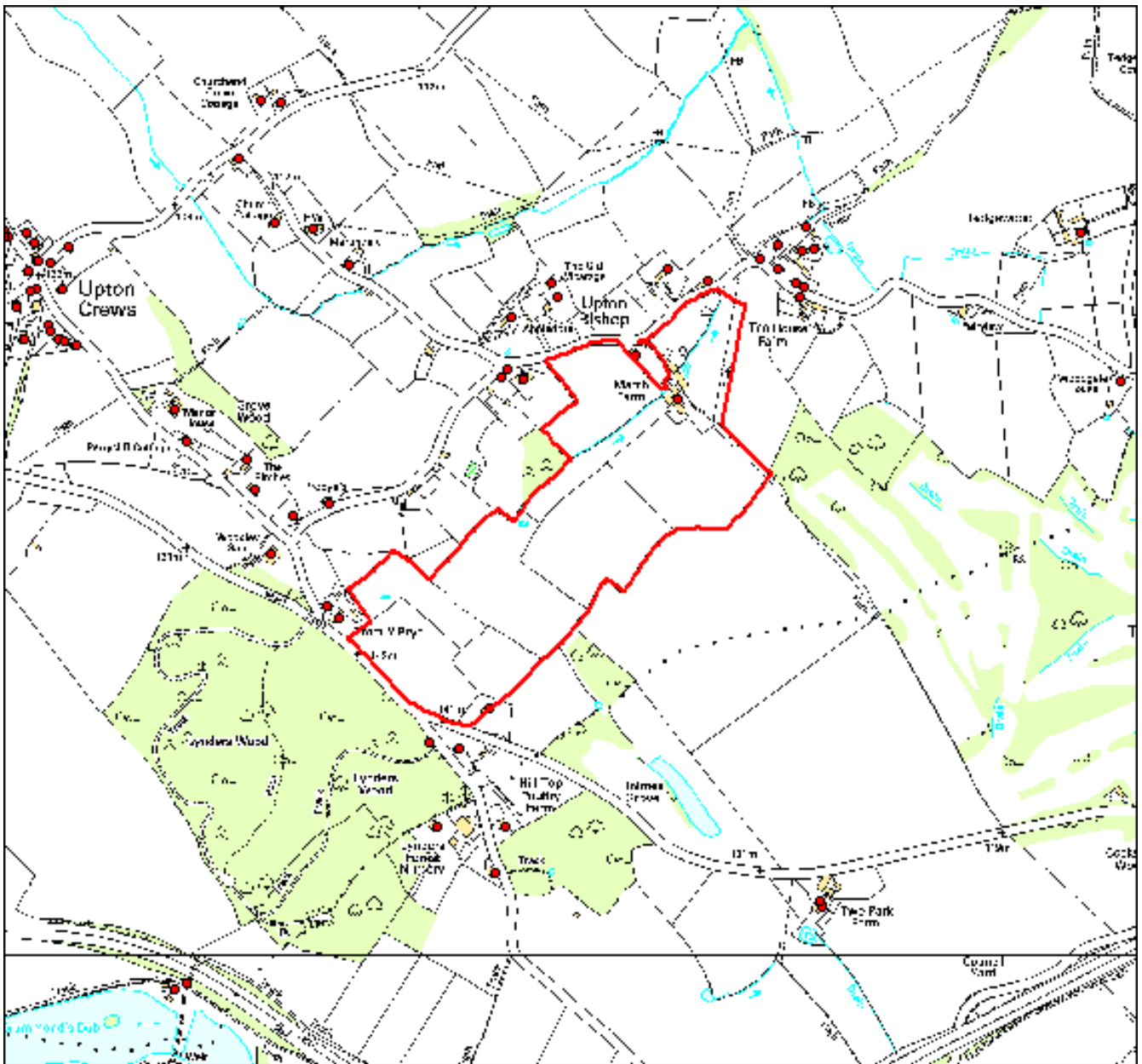
Decision:

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/110942/F

SITE ADDRESS : MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP

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:	29 JUNE 2011
TITLE OF REPORT:	<p>DMS/110593/F - REVISED ACCESS LAYOUT (PREVIOUSLY APPROVED APPLICATION DMSE/100075/F) AT THE GROVE, LLANGROVE, HEREFORDSHIRE, HR9 6EN.</p> <p>For: Mr Pearson per Miss Lorraine Whistance, OKX Architecture, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW.</p>

Date Received: 8 March 2011

Ward: Llangarron

Grid Ref: 352933,219256

Expiry Date: 3 May 2011

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The Grove, a Grade II listed building, is located at the end of a long narrow lane that exits onto the unclassified 71225 opposite The Elms. The site is located in open countryside to the north of Llangrove.
- 1.2 Planning permission and listed building consent has been granted for the residential conversion of a range of traditional constructed agricultural buildings; an "L" threshing barn and a single storey cowshed. The threshing barn will accommodate 2 dwellings each providing 4-bedroom dwellings and the cowshed providing a 3-bedroom property. The planning permission proposed the construction of an access road across agricultural land that is between Marks Farm and the lane leading down to the site. The access road will follow the field boundary with Marks Farm exiting onto the 71225 adjacent to the entrance to Marks Farm. The new entrance will incorporate access to Marks Farm.
- 1.3 This application seeks an amendment to the entrance approved under DMSE/100075/F; increasing the width of the entrance to Marks Farm to 9 metres when measured from the western side of the existing access and realignment of the junction onto the 71225 which will require the repositioning of a telegraph pole.

2. Policies

2.1 Planning Policy Statements:

- PPS1 - Delivering Sustainable Development
 PPS7 - Sustainable Development in Rural Areas
 PPS9 - Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007:

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

- S2 - Development Requirements
- S6 - Transport
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- 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

3. Planning History

- 3.1 DMSE/100075/F Conversion of existing barns to 3 dwellings. Approved 8.9.2010.
- 3.2 DMSE/100076/L Conversion of existing barns to 3 dwellings. Approved 8.9.2010

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager (Ecology): No objection.

5. Representations

- 5.1 Llangarron Parish Council objects to the revised planning application based on the issues raised on original planning application DMSE/100075/F.

The Parish Council previously commented “does not support this application; the proposed access road is totally unacceptable because of the access from the existing road system and we would reference UDP DR3.5, DR4.1 and 4S2.”

- 5.2 Twelve letters of objection have been received, raising the following issues:-

- It will have a negative impact on the area.
- The road to the school is very narrow, not suitable for large farm trailers and self propelled farm units.
- To grant permission would increase farm traffic considerably with a proportional increase in the possibility of an accident.
- There exists a suitable access to the site.
- A good piece of farmland will be wasted.

- 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 Planning permission and listed building consent has been granted for the residential conversion of an attractive range of farm buildings at The Grove.

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

- 6.2 The existing access to The Grove is off a long narrow lane and track that exits onto the unclassified 71225, opposite The Elms, at a point where visibility for vehicles emerging from the lane is restricted in both directions by the curvature and alignment of the road and hedgerows either side of the road junction. The Traffic Manager advised that this junction is unsuitable to serve the development and recommended an alternative means of access would need to be investigated.
- 6.3 Planning permission DMSE/100075/F proposed to access the development by constructing an access road through a field on the eastern side of Marks Farm, and the alteration of the entrance to Marks Farm by increasing its width to 10 metres. In order to do this a small section of hedge will need to be removed. It will also be necessary for the hedgerow to be cut back to establish visibility splays to meet the necessary standards required by the Traffic Manager as well as being suitable for larger vehicles. Insofar as impact on the ecological value of the hedgerow is concerned, the Ecologist has said "whilst I would prefer that hedgerow removal was avoided, I appreciate that some of the hedgerow will be translocated where possible and I welcome the provision of new hedgerow planting along the access road."
- 6.4 This application is for an amendment to the entrance which will reduce the width of the approved entrance from 12 metres to 9 metres. As a consequence this reduction the access onto the lane will have lesser visual impact than the approved plan.
- 6.5 Notwithstanding, the objections that have been raised to this application, these in the main refer to the principle of an entrance in this position, criticising the original planning permission. The objections do not, in my opinion, raise any new material planning considerations. It is not the purpose of this application to consider whether or not there should be a new entrance roadway to serve the barn conversions at The Grove. Consequently, given there is planning permission for an access roadway with alteration with access onto the lane there is no objection to this revision to the access.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. H03 Visibility splays**
- 4. H06 Vehicular access construction**
- 5. H13 Access, turning area and parking**
- 6. K4 Nature Conservation - Implementation**
- 7. H08 Access closure**
- 8. G12 Hedgerow planting**

Informatives:

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

2. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN28 Highways Design Guide and Specification**
6. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

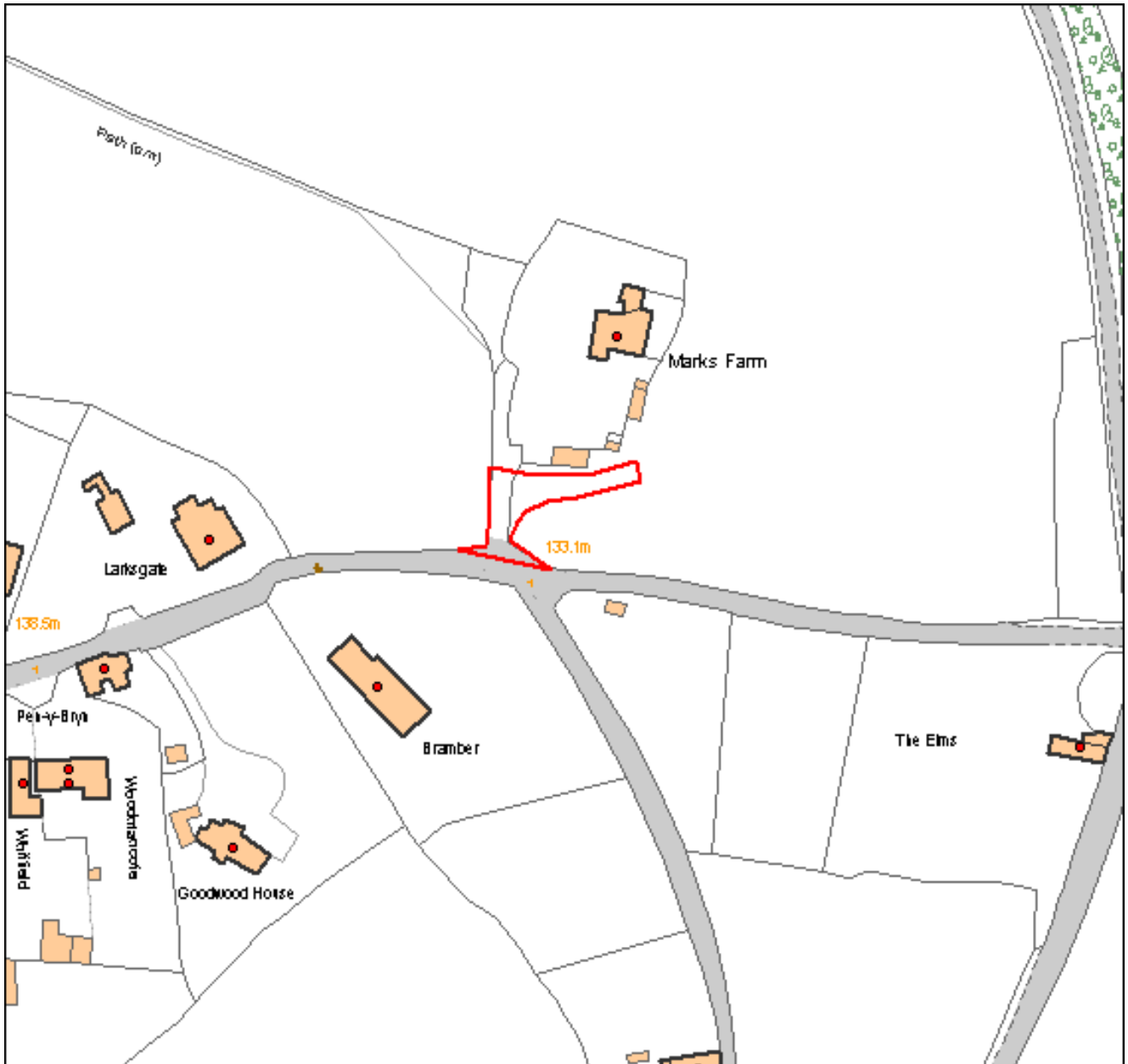
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/110593/F

SITE ADDRESS : THE GROVE, LLANGROVE, HEREFORDSHIRE, HR9 6EN

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:	29 JUNE 2011
TITLE OF REPORT:	<p>DMS/110810/F - CARPORT TO PLOT 1 AND FIVE GARAGES TO REPLACE GARDEN SHEDS AT LAND NR. CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS.</p> <p>For: Mr Bramer per Mr Terry Egan, Ruardean Works Varnister Road, Ruardean, Nr Drybrook, Gloucestershire, GL17 9BH.</p>

Date Received: 30 March 2011

Ward: Llangarron

Grid Ref: 355982,227272

Expiry Date: 14 June 2011

Local Member: Councillor J A Hyde

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of garaging for each of the six dwellings approved as enabling development on land at Caradoc Court. The approved development comprises the erection of six detached dwellings and the construction of a new access point and driveway on land approximately 400 metres north east of The Court on land at the top of a steep, north-facing wooded slope, rising up from the River Wye. The application site falls within the Wye Valley Area of Outstanding Natural Beauty and within the unregistered historic parkland associated with Caradoc Court. Trees around the site perimeter and in Castlemeadow Wood to the north are covered by Tree Preservation Orders.
- 1.2 Under planning permission DMSE09/3151/F it was resolved that permitted development rights be removed in order that the Council could retain control over future alterations sought by individual occupants in the interests of best preserving the character and appearance of the area. Development has now commenced and the dwellings are under construction. This application seeks permission to erect a single open-fronted carport as an extension to unit 1, detached single garages to units 2, 3, 4 and 5 and a single garage designed as an extension to unit 6. With the exception of unit 1 the garages would be constructed in addition to the surface parking already negotiated within the curtilage of each property. The application is a resubmission of an earlier application (S/110341/F) which sought permission for a double carport at unit 1, but a double garage for units 2 and 3 and a shared 3-bay garage for units 4 and 5. This application was withdrawn.
- 1.3 The carport extension to unit 1 would be open to all aspects. The detached single garages to units 2, 3, 4 and 5 are identical and comprise rendered walls over a brick plinth under a pitched slate roof with painted timber doors. They are 6.075m x 3.186m, with an overall height of 4m.
- 1.4 The proposed garage to unit 6 takes the form of an extension to the north elevation. It is set back from the principal elevation and measures 6m x 4m in plan. It is single-storey with a pitched roof.

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

2. Policies

2.1 Planning Policy Statements:

- PPS1 - Delivering Sustainable Development
- PPS5 - Planning for the Historic Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Other Guidance:

Enabling Development and the Conservation of Historic Places (English Heritage, 2008)

BS2005: 5837 - Trees in relation to construction

2.3 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR3 - Movement
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- H16 - Car Parking
- H18 - Alterations and Extensions
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows

3. Planning History

- 3.1 SH940997PF Rebuild fire damaged house to original state as single residence with outbuildings and six houses on adjoining land at Caradoc Court, Sellack. Approved 24 February 1995.
- 3.2 DCSE2006/1684/V Certificate of Lawfulness for six new houses (approved planning permission SH940997PF), Caradoc Court, Sellack. Approved 6 December 2006.
- 3.3 DMSE/093151/PF Erection of six detached houses (amendments to SH940997PF). Approved 14 April 2010.
- 3.4 DMS/103179/F Variation of Condition 6 approved Planning Permission DMSE09/3151/F for amendments to house elevations. Approved 2 February 2011.
- 3.5 DMS/103173/F Variation of Condition 9 of approved Planning Permission DMSE09/3151/F to enable installation of domestic heating oil tanks. Approved 23 February 2011.
- 3.6 DMS/110341/F Carport to Plot 1 and garages to 5 Plots. Withdrawn 14 March 2011.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

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

Internal Consultees

- 4.2 Conservation Manager (Landscapes and Biodiversity): It is recognised that the scale of the garaging has been reduced and that they have been sited in a more orderly way than in the previous scheme. It is also acknowledged that the repositioning of the garage on unit 3 will mean that the garage will not shade the garden area as previously identified. However, it remains the case that any garaging will increase the scale of built development when considered relative to the extant permission. This will result in a cramped appearance, undesirable in the wider landscape setting. Accordingly the application is not supported.
- 4.3 Public Rights of Way Manager: No objection.
- 4.4 Traffic Manager: No objection but considers the garages could be made slightly wider in order to ensure ease of access by vehicles. The absence of a personnel door was identified and subsequently amended, thus making the buildings more accessible and usable as additional storage or cycle parking.

5. Representations

- 5.1 Sellack Parish Council: No objection in principle, although whether the garages will be used for cars of storage remains to be seen.
- 5.2 Two letters of objection have been received. The content is summarised as follows.
- The development has increased in scale relative to the 1995 permission and is now completely out of character with the surrounding countryside.
 - The proposed garages would increase the prominence of the development in views from the north with the effect that approximately 75% of the northern boundary would be occupied by buildings – a 15% increase.
 - The intensification of development on site results from strategic decisions undertaken by the applicant. Integral garages approved under the 1995 permission were removed in preference for the addition of extra living space.
 - There has been an associated increase in bedroom numbers, increasing likely occupancy and car ownership.
 - There is no assurance that the garages would be used for parking.
 - The value of the development appears to have increased by comparison with the appraisal submitted with the 2009 application. This brings into question the validity of allowing further intensification in the context that enabling development should be the minimum necessary to achieve the conservation objective.
- 5.3 The application is accompanied by a Design and Access Statement that states that the proposed garages are a better option than the approved storage sheds, with greater longevity and the use of more appropriate materials. The covering letter accompanying the application suggests that prospective purchasers are being put-off by the lack of garaging, although this is not a material planning consideration.
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The application seeks planning permission for the erection of garaging to serve each of the properties approved under application S/093151/F. Neither the 1995 planning permission nor the 2010 successor made provision for detached garages and in each case permitted

development rights were removed to ensure that subsequent proposals for additional development could be assessed further.

- 6.2 In this case the key issue in the determination of the application is the assessment of the visual and landscape impact of the development as one within the Wye Valley Area of Outstanding Natural Beauty and the unregistered historic park and garden. Policy LA1 gives priority to the protection and enhancement of the natural beauty and amenity of the area in the national interest. Development will only be permitted where it is small-scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity. Likewise development that would adversely affect the historic structure, character, appearance, features of setting of an historic park or garden will be considered contrary to Policy LA4 of the Unitary Development Plan.
- 6.3 The development represents an exception to the normal planning policies which advocate protection of the open countryside and aim to direct new residential development to sustainable locations. The principle of residential development upon the site was only ever acceptable as a mechanism by which funds could be generated to restore the fire damaged Grade II* listed Caradoc Court. This objective has been achieved.
- 6.4 The current application for single garages and a carport does represent a further intensification of development upon the site, but has to be assessed in the context that six detached dwellings have been approved with some now nearing completion. The visual impact of the approved dwellings is acknowledged but the proposed garages have been reduced in scale relative to the withdrawn scheme and in the main are set back and to the side of the respective dwellings. There is greater uniformity to the design of the proposed garages and the reduction in scale relative to the withdrawn scheme allows for greater separation distances between the dwellings and intended outbuildings.
- 6.5 The principal local vantage point is from the bridleway which bounds the site to the south. Other than at the site entrance the bridleway is sunken relative to the site and views of the proposed garages are likely to be glimpsed through the bridleway trees. As one moves to the east the differential in levels between the bridleway and the site becomes more pronounced, with the effect that the garages serving units 4 and 5 are unlikely to be visible from the bridleway, whilst that serving unit 6 will, in the main, be shielded by the dwelling itself.
- 6.6 Whilst it is undeniable that the garages will increase the built form when viewed from the northern aspect, given the scale of the garages relative to the approved dwellings it is my view that the landscape and visual impact attributable to the garages themselves will be minimal in the overall context. It is also the case that the garages for plots 2, 3, 4 and 5 are intended in substitution for previously approved garden sheds.
- 6.7 In conclusion, whilst the observations of the Conservation Manager are noted, it is considered that the proposed single garages represent an acceptable approach in the overall site context and the application is recommended for approval subject to conditions, to include a restriction on the future conversion of the garages as habitable accommodation.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. F08 No conversion of garage to habitable accommodation**

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

Informative:

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

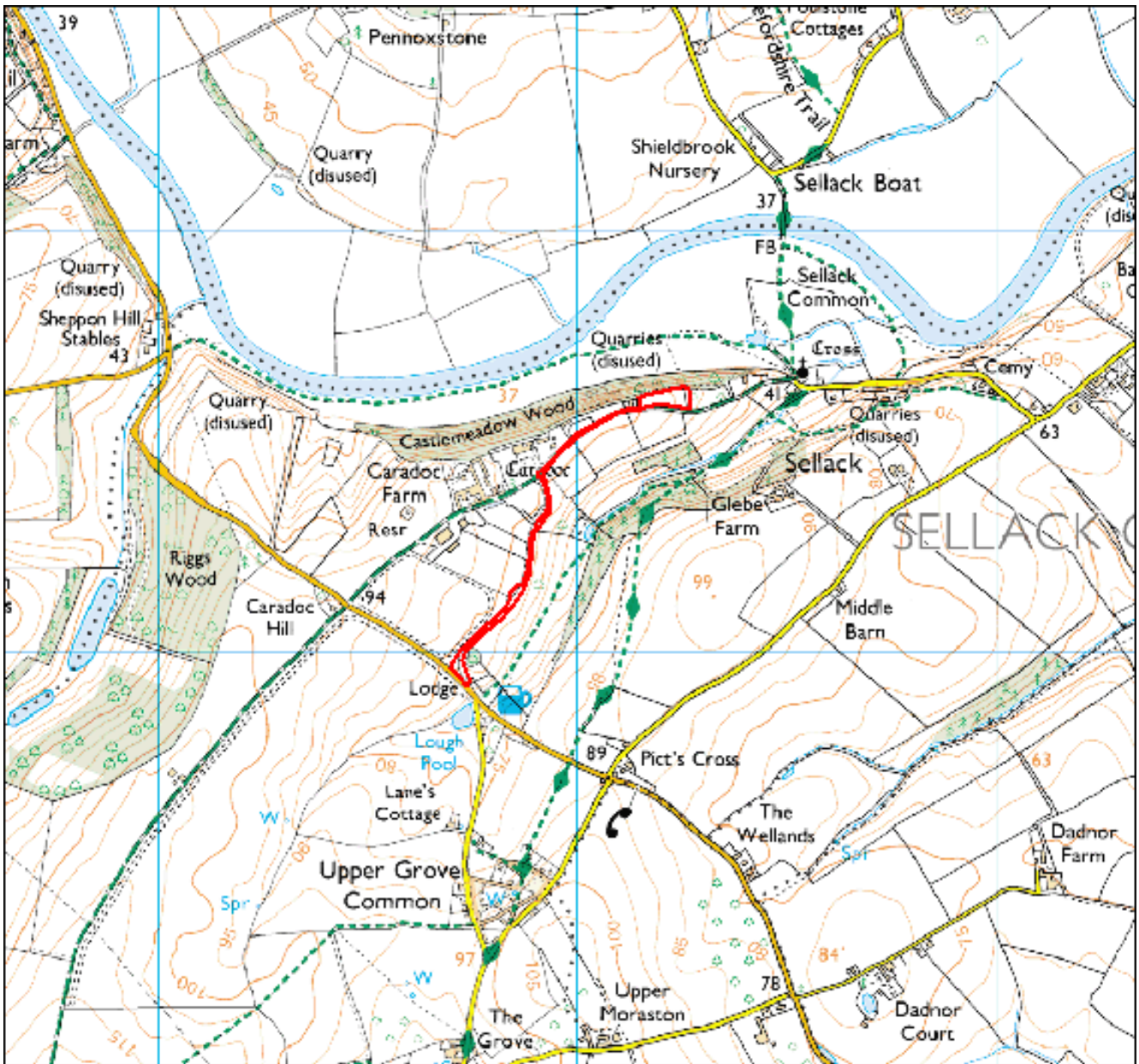
Decision:

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/110810/F

SITE ADDRESS : LAND NR. CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS

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 E Thomas on 01432 260479



MEETING:	PLANNING COMMITTEE
DATE:	29 JUNE 2011
TITLE OF REPORT:	<p>DMS/110988/FH - EXTENSION TO PROVIDE STUDY & DRESSING ROOM AT OAK TREE COTTAGE, LONGTOWN, HEREFORDSHIRE, HR2 0LQ.</p> <p>For: Mr and Mrs Powell per Mr John Farr, Fincham, Stockley Hill, Peterchurch, Herefordshire, HR2 0SS.</p>

Date Received: 13 April 2011 **Ward: Golden Valley South** **Grid Ref: 331794,229899**

Expiry Date: 7 July 2011

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 The application site comprises a detached two storey stone and rendered dwelling. There is a dwelling to the north of the application site, Ty Newydd which is elevated above the application site and divided from it by a public footpath. There is extensive planting of evergreen trees between these two properties. There is also a dwelling (Pen-Pwll-Sond), 9 metres to the south of Oak Tree Cottage. These two properties join the C1203 road via a splayed pull in.
- 1.2 The proposal is essentially for a first floor addition over an existing integral garage incorporating 750mm extensions to front and rear. The eaves height of the extension will be the same as the original dwelling, but the ridge height will be 250mm lower.
- 1.3 The garage will be retained as will a ground floor window on the south facing flank wall. The walls will be finished in matching white coloured render, which is on the east elevation and south elevation of the existing integral garage.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:
- | | | |
|-----|---|----------------------------|
| DR1 | - | Design |
| H16 | - | Car Parking |
| H18 | - | Alterations and Extensions |

3. Planning History

- 3.1 SH891510PF Construction of one stone cottage and treatment plant. Approved 16/12/1992.

4. Consultation Summary

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

Statutory Consultations

- 4.1 None applicable.

Internal Council Advice

- 4.2 Traffic Manager: Response awaited.
- 4.3 Public Rights of Way Manager: Has raised no objections.

5. Representations

- 5.1 Longtown Parish Council: Observations are awaited.
- 5.2 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 This detached dwelling has previously had a modest single storey extension erected its rear. This new addition will primarily relate to the footprint of the existing integral garage albeit it would be extended by 750mm to the front and rear. The new two storey addition will remain recessed from the front and rear elevations. It is considered that it will be in scale and proportion with the original dwelling and the materials used will match those used on the existing dwelling. The original dwelling will remain the dominant element in the resultant scheme.
- 6.2 An additional relevant consideration is the relationship of the extended dwelling to other dwellings, the nearest of which is Pen Pwll Sond. This property has an integral garage on the northern end of the property and unlike Oak Tree Cottage it is gable fronted. It has an east-west aspect like Oak Tree Cottage towards the Black Mountains and down towards the Monnow Valley respectively. There will be no windows at first floor level, in the new first floor addition and therefore issues of overlooking will not arise.
- 6.3 The final issue relates to the provision of parking on the application site . The development proposed will not impinge upon the capacity of the property to provide at least two parking spaces as existing, in addition to the integral garage and this is considered acceptable.
- 6.4 This proposal will be in keeping and scale with this modern stone faced dwelling and will not detract from the amenity of the street scene. The addition will not impinge upon the amenity of residents in the vicinity of the site , and there will also be no detriment to general highway.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period (24 June 2011), the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any other conditions considered necessary by Officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C02 Matching external materials (extension)**

Informative:

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

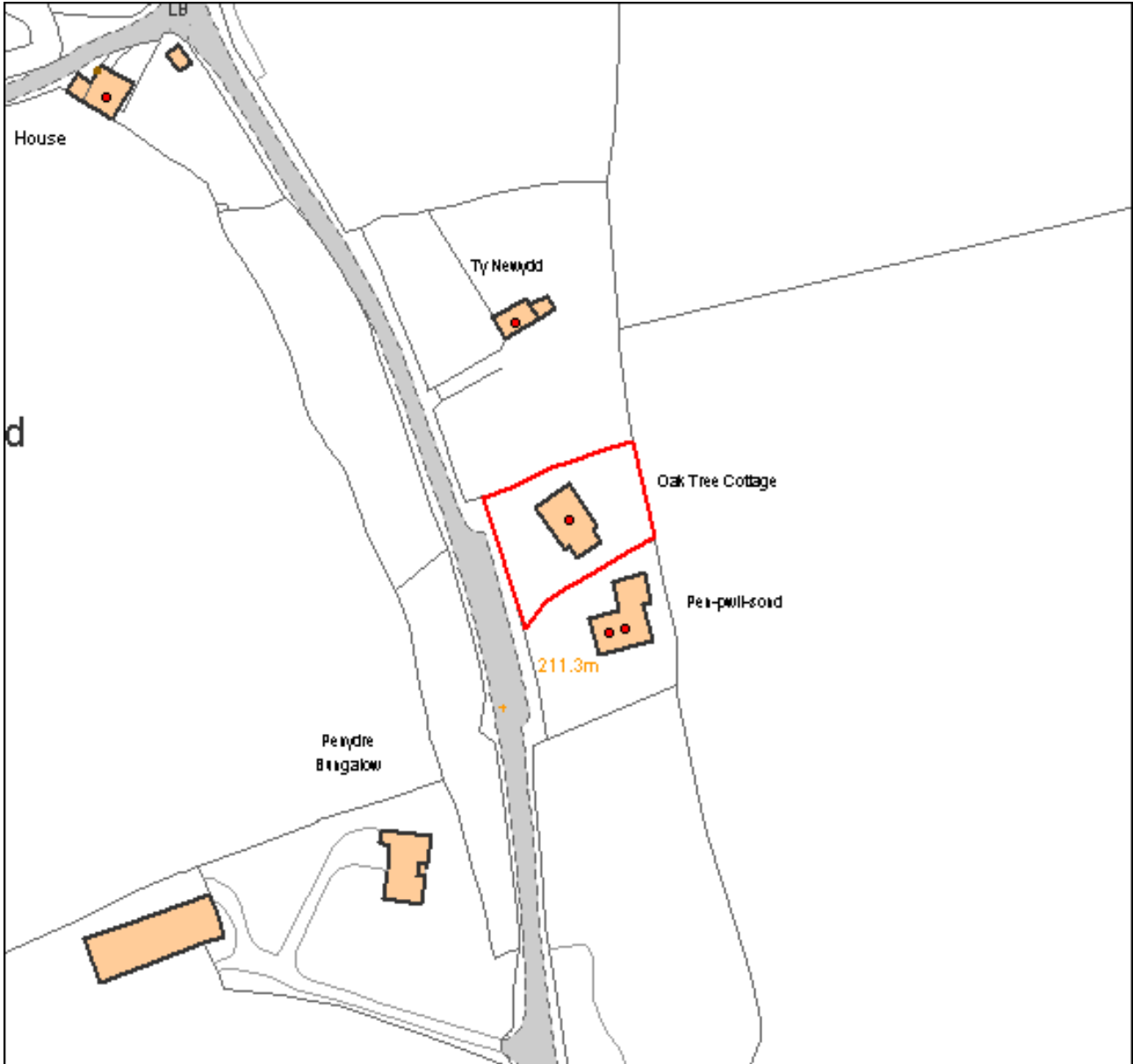
Decision:

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/110988/FH

SITE ADDRESS : OAK TREE COTTAGE, LONGTOWN, HEREFORDSHIRE, HR2 0LQ

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