

AGENDA

Planning Committee

Date: **Wednesday 9 January 2013**

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:

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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 MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

Councillor GR Swinford

Councillor PJ Watts

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the extraordinary meeting held on 7 November 2012 and the meeting held on 19 December 2012.</p>	1 - 20
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	21 - 22
7.	<p>S121357/N - LITTLE PENGETHLEY FARM, PETERSTOW, ROSS-ON-WYE, HR9 6NB</p> <p>Construction of a 499kw Agricultural Anaerobic Digester to produce renewable energy from on-site generated waste and energy crops.</p>	23 - 42
8.	<p>S122820/CD - LAND AT FIR TREE LANE, ROTHERWAS, HEREFORDSHIRE</p> <p>New archive & records centre for Herefordshire Council, including repositories, conservation rooms, staff offices, education spaces, search room and exhibition space to enable members of the public to view artefacts.</p>	43 - 50
9.	<p>S122644/F - MARSH FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UP</p> <p>Retention of existing mobile home (with temporary use for 2 years) as accommodation ancillary to occupation of dwellings permitted by approvals DMS/113120/F & DMS/113121/L.</p>	51 - 60
10.	<p>S122498/F - CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ</p> <p>Proposed removal of Condition 8 of Planning Permission DCSE2008/2536/F (Conversion of outbuildings to an attached annexe and proposed link) as separate residential dwelling.</p>	61 - 66
11.	<p>S122724/FH - 9 & 10 BAKERS OAK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RP</p> <p>Front extensions.</p>	67 - 70
12.	<p>N123247/FH - MEADOW END, LITTLE COWARNE, BROMYARD, HR7 4RG</p> <p>Installation of a satellite dish.</p>	71 - 76

13. DATE OF NEXT MEETING

Date of next site inspection: 29 January 2013

Date of next meeting: 30 January 2013

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 7 November 2012 at 2.00 pm

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, Brig P Jones CBE, FM Norman, AJW Powers, P Rone, GR Swinford, DC Taylor and PJ Watts

In attendance: Councillors JF Knipe and SJ Robertson

88. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JG Lester, G Lucas and RI Matthews.

89. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone, JA Hyde and DC Taylor attended the meeting as substitute members for Councillors JG Lester, G Lucas and RI Matthews.

90. DECLARATIONS OF INTEREST

There were no declarations of interest.

91. S121299/O - LAND ADJOINING LANDIMORE, 12 POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Gardiner, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JF Knipe, the local ward member; and Councillor DC Taylor, the neighbouring ward member, commented on a number of issues, including:

- The Committee were thanked for attending the site visit.
- The application affected the Stoney Street more than the Vallets ward that it fell within.
- The neighbouring ward member requested that the road be bought up to an adoptable standard; that the number of dwellings be limited to 5 plus the existing one as well as the provision of street lighting.

Members discussed the application and concurred with the local ward member in respect of the requirement for adequate street lighting. They added that at the site inspection they had been reassured by the case officer that the road would be constructed to an adoptable standard, they requested that this be added to the recommendation as a condition. The

Principal Planning Officer advised that this would be part of the adoption process which would be the subject of local consultation

Members discussed the requirement for the Council to demonstrate a five year housing supply under the remit of the National Planning Policy Framework. The Committee were of the opinion that the situation required clarification and requested that further work be undertaken away from the meeting to address their concerns. It was considered that the Council's Overview and Scrutiny department should research the issue further.

In response to the points raised, the Principal Planning Officer confirmed that the road would be constructed to an adoptable standard and that the issue of lighting would be determined at the reserved matters stage. In response to a further question she confirmed that the telegraph pole was being relocated to address highway safety by ensuring that the visibility splay was not obstructed.

The Committee referred to the importance of retaining a mature oak tree at the entrance to the site and it was confirmed that this was the intention.

Councillors Knipe and Taylor were given the opportunity to close the debate. They reiterated their opening remarks and requested that the application be approved.

RESOLVED

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

- 1. A02 Time limit for submission of reserved matters (1 year permission)**
- 2. A03 Time limit for commencement (2 years - outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. G11 Landscaping scheme – implementation**
- 8. G04 Protection of trees/hedgerows that are to be retained**
- 9. H18 On site roads - submission of details**
- 10. H27 Parking for site operatives**
- 11. I51 Details of slab levels**
- 12. I55 Site Waste Management**
- 13. I16 Restriction of hours during construction**
- 14. H21 Wheel washing**
- 15. I20 Scheme of surface water drainage**
- 16. L01 Foul/surface water drainage**
- 17. L02 No surface water to connect to public system**

18. L03 No drainage run-off to public system
19. The recommendations set out in the ecologist's reports dated July and August 2012 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement based on up-to-date survey information should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Prior to commencement of the development, a full habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. This shall include provision for bats, nesting birds and planting of native species.

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

Reason for Approval

1. Non Standard

The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to character of the area, highway safety, relationship with neighbouring properties, landscape impact and drainage, namely policies DRI, DR2, DR3, LA2 H13 and H14 of the UDP. In conclusion, whilst the application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions

Informative

1. N11C - General
92. S121401/F - SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Neale, a neighbouring resident, spoke in objection to the application.

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

- Belle Bank Avenue was a great display of 1950's architecture.
- The previous appeal at another site in Belle Bank Avenue was dismissed.
- The Inspector stated that the area had a spacious characteristic and was worthy of protection.
- An extension to the existing dwelling would be more appropriate.

Members discussed the application and were of the opinion that it would be beneficial for them to undertake a site inspection prior to any decision being made. They proposed a site inspection on the three grounds as set out in the resolution below.

Councillor Robertson was given the opportunity to close the debate. She welcomed a site inspection and chose to make no additional statement.

RESOLVED

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

- a the character or appearance of the development itself is a fundamental planning consideration;**
- b a judgement is required on visual impact;**
- c the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

93. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 2.45 pm

CHAIRMAN

PLANNING COMMITTEE (EXTRAORDINARY MEETING)

7 November 2012 - 2:00 pm

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.

S121299/O - PROPOSED RESIDENTIAL REDEVELOPMENT FOR FIVE HOUSES AT LAND AJJOINING LANDIMORE, 12 POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW

For: Mr C Gardiner & Mrs J Price, per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

ADDITIONAL REPRESENTATIONS

Additional letters of support have been received from:

Philip Price, PEP Developments, Kingstone
D M Jones, Y-Berllan, 15 Poplar Road
S J Harris, Wellfield, Poplar Road
J H Kinsey, 10 Poplar Road

These letters raise the following issues:

- The removal of the outbuildings will give a better outlook and security.
- Would be more attractive view than redundant buildings and overgrown site
- The village needs some larger houses with good sized gardens to help school numbers and bring new families to the village

These letters do not raise any issues that have not been considered in the report.

A further representation has been received from Mr and Mrs Robertson, owner of 8 Poplar Road that comments as follows:

1. Previous committees have ruled out building on this land having put it outside boundaries for settlement, my understanding is that this is only now being considered because of a recent government changes and the fact that Hereford is still to develop its own plans.
2. Planning for this land has been refused previously for a range of reasons. One of those being road safety issues.
3. If Herefordshire county council continue to fill odd bits of land with four bedroom houses then they will kill the communities within our villages. Instead they should be positively supporting the development of affordable housing by refusing these small development design to sit under the other regulations that are triggered by larger developments and to yield the largest profit with no benefit to the local communities.
4. This piece of land has been shown to be teaming with wildlife, the ecologist's report while not triggering any of the protected statuses, has clearly shown that the loss of this piece of land will

have a detrimental effect on local wildlife. If we want to maintain Herefords unique environment then we must stop this gradual loss of pieces of land such as this.

5. It strikes me that this application sits just under a range of the planning rules which means a planning officer is required to recommend it for approval. Fortunately we have a planning committee who can see the cumulative effect of such a development and see the detrimental effect that this and many other similar developments will have.

OFFICER COMMENTS

Highway Safety and Access

The Traffic Manager has had sight of a fully detailed plan, which details the crossing into the site, allowing for a 2.4m setback across the entire site frontage, providing a 2.5 by 50m visibility splay in either direction. To undertake this, the telegraph pole is to be removed and foliage removed / cut back. The existing access drive would be grubbed out and re-seeded and a fence erected, allowing access to the PROW.

The Traffic Manager has considered these and raises no objection. An additional condition, requiring works to be undertaken in accordance with the approved plan is suggested

Planning History

In response to the concerns raised by local residents in respect of the planning history on the site. An application was submitted in 1990 for outline permission for the development of the site. No details of the numbers of units were included in this, but there is a note from officers suggesting maybe three units. The site would have been accessed via the existing access and there was a dwelling / building in a position immediately fronting the highway in the position of the new proposed access.

This planning permission was refused on five grounds; that is backland development, that it is development outside of the settlement boundary, potential to give rise to future development, unsuitable means of access, and highway safety implications due to restricted visibility. The proposals were considered having regard to the Hereford and Worcester Structure Plan.

This application falls to be considered having regard to The Herefordshire Unitary Development Plan as the adopted local plan, with consideration being given to the National Planning Policy Framework. The access to the site is not in the same position and is now considered to be capable of providing safe access to and from the site onto Poplar Road. The required visibility can be achieved. This would need to be to an adoptable standard.

CHANGE TO RECOMMENDATION

Additional condition:

B01 – Development in accordance with the approved plans

S121401/F- PROPOSED CONSTRUCTION OF DETACHED DORMER BUNGALOW. AT SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL

For: Mr & Mrs Mifflin per Mr Roy Pipe, 35 Browning Road, Ledbury, Herefordshire, HR8 2GA

ADDITIONAL REPRESENTATIONS

The applicant, Mr Mifflin has submitted the following comments:

Firstly, I have read your report to support your recommendation of the application for approval and I completely agree with your appraisal and conditions stated.

With regard to the objections received. I believe that they consist of a few concerns fairly raised, and then reiterated by a handful of local residents a number of times in the hope that a larger apparent volume of objections will have a more negative effect on the outcome of the application.

The points which were initially raised I believe were satisfactorily addressed with the revised and resubmitted plans, the first point being the lack of parking , extra volume of traffic and inadequate access through the proposed development entrance.

With reference to volume of traffic and given its proximity to Salou, I find it difficult to absorb the constant references to excess traffic from Bellebank stores to be in any way connected to this application. I believe that the amount of traffic generated by the proposed dwelling would be of virtually no impact after its completion.

The present access is approximately 2.3 metres in width, it appears that one objector has taken the time to measure the maximum that the entrance can be widened by taking care not to obstruct the pathway and this is 1.57 metres, this additional space would allow 3.8 metres in total width, a modern standard fire engine is 2.5 metres wide so obviously access would be no problem for a standard vehicle and as the revised plans show there will be adequate parking for at least two vehicles at each property together with the ability to access and egress in a forward direction. This facility also serves to address the concerns over parking in the cul-de-sac as I believe that Salou is possibly unique in that it can contain its own and its visitors parking requirements within its own grounds, this in fact has been more necessary of latter years as a number of public parking spaces have recently been lost to lowered kerbs.

The objection over the impact of this dwelling on the present Bellebank development I believe would be negligible as it would be virtually out of view to all but the A49 traffic and the residents of Pantiles to the south. The revised plans have allowed for obscured glass to be placed in the only south facing window to ensure the continued privacy of Pantiles garden, the same however cannot be enjoyed by Salou and the proposed dwelling as Pantiles has a northerly facing first floor window enjoying views into the garden of Salou, this has been the case for many years and causes no irritation to anyone.

Another point raised is that the existing bungalow could be extended to allow for carer accommodation. This is not a route which would be sufficient for our requirements as we had hoped to occupy the new dwelling as a family ,(hence the request for a three bedroom property) thus having limited effect on the day to day lives of our children and relative ease in which we could care for both generations, an extension for carer accommodation would not be suitable for our needs, however were this to be the case I would very much doubt that there would be less traffic issues as one objection stated that no.4 Bellebank Avenue has "round the clock carers which create an additional three cars parked on the narrow road".

As far as the objection of "opening the floodgates for further development" is concerned I would hope

that any application would be considered in its own merit, and would be successful if it met all the requirements in the same way as a development in any other area.

The remaining objection of financial gain is surely irrelevant as if the development is approved it will be done so because it is within permitted development criteria and whether or not any individual should benefit from a gain is of no interest to others.

Finally, I note that there have been objections from as far afield as Wordsworth Road and Dilwyn, unless these persons find it difficult to park when visiting the aforementioned shop I would have to doubt the credibility of their intentions.

NO CHANGE TO RECOMMENDATION

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 19 December 2012 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, JW Hope MBE, RC Hunt, Brig P Jones CBE, JG Lester, MD Lloyd-Hayes, RI Matthews, FM Norman, AJW Powers, SJ Robertson, P Rone and PJ Watts

In attendance: Councillors JG Jarvis and JW Millar

106. APOLOGIES FOR ABSENCE

Apologies were received from Councillor MAF Hubbard and GR Swinford.

107. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors MD Lloyd-Hayes and SJ Robertson attended the meeting as substitute members for Councillors MAF Hubbard and GR Swinford.

108. DECLARATIONS OF INTEREST

9. S122572F - LAND AT THE PARKS, BROCKHAMPTON, HEREFORD, HR1 4SD.
Councillor BA Durkin, Non-Pecuniary, The Councillor is a Member of the AONB Advisory Board.

9. S122572F - LAND AT THE PARKS, BROCKHAMPTON, HEREFORD, HR1 4SD.
Councillor J Hardwick, Non-Pecuniary, The Councillor is a Member of the AONB Advisory Board and also knows the applicant.

9. S122572F - LAND AT THE PARKS, BROCKHAMPTON, HEREFORD, HR1 4SD.
Councillor PGH Cutter, Non-Pecuniary, The Councillor is the Vice-Chairman of the AONB Advisory Board.

11. N122403O - HOLLOWAY COMMON FARM, HAMPTON CHARLES, TENBURY WELLS, HEREFORDSHIRE, WR15 8PY.
Councillor DW Greenow, Non-Pecuniary, The Councillor's son is a director of one of the applicant's clients.

109. MINUTES

RESOLVED: That the Minutes of the meeting held on 28 November 2012 be approved as a correct record and signed by the Chairman.

110. CHAIRMAN'S ANNOUNCEMENTS

111. APPEALS

The Planning Committee noted the report.

112. S121554F - FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mrs Philpotts, representing Holmer and Shelwick Parish Council, spoke in objection to the application.

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

- Members were thanked for attending the site visit.
- The density of the scheme was too high.
- Disappointing that the applicant had not attended the meeting to address the Committee.
- The site had been designated as B2 employment land and should remain as such.
- There were 300 homes being built at the Furlongs and therefore the protection of employment land was essential.
- There were concerns in respect of landscaping, sewerage, highways, site levels and contaminated land.
- The Section 106 agreement should require a contribution to Holmer School.
- The site would be more suitable as live/work or starter units for industrial use.
- The Parish Council's proposal for community facilities on the site would also be more acceptable.

The debate was opened with a member of the Committee speaking in objection to the application. He noted the comments of the local ward member and was in full agreement with her concerns. The following reasons were given for refusing the application: loss of employment land; site levels; contaminated land and impact on the landscape. He then went on to draw the Committee's attention to the key policies of the Unitary Development Plan which supported a refusal of the application, with particular reference made of policies S4, DR1, DR4, DR10 and E5.

Members continued to discuss the application, another member of the Committee agreed that the application should be refused but also had concerns in respect of the design and density of the development. It was also considered that the Parish Council's views, and the Parish Plan, had not been taken into account.

Another member of the Committee was of the opinion that the application should be approved. She noted that the site was a brownfield site and drew members' attention to the lack of a five year housing supply, as required by the National Planning Policy Framework. She noted that the site was sustainable and had good links to the city centre. Another member agreed that the use of a brownfield site would be beneficial but felt that the proposed site was not acceptable for the reasons raised by the local ward member.

Members continued to discuss the issue of contamination on the site. The view of the Committee was that the contaminated land should not be covered and that any contamination should be removed from the site prior to it being developed. Concern was expressed that there could be some comeback on the Council if the River Lugg became contaminated as a result of the contaminated land being disturbed.

Members discussed the Section 106 agreement and had concerns regarding the lack of contributions to nearby facilities. It was further noted that there was no contribution to Holmer Primary School and that this would be welcomed.

In response to questions raised by members, the Principal Planning Officer advised that the density of the proposed development was 34 dwellings per hectare. She also added that the issue of the contaminated land had been investigated fully by officers and stated that in their opinion the proposed conditions would address the concerns raised by members.

The Development Manager (Northern Localities) advised members that there were two ways of processing the contaminated soil; the applicant could strip the site and remove the soil to an authorised disposal site for cleansing or the contamination could be capped. In this case capping was proposed and was considered acceptable as stated in the case officer's report. In response to another issue raised by Members, he stated that the density was similar to adjoining developments and that the local road network would benefit from improvements to help alleviate the 'rat run' along Attwood Lane. He also advised that Welsh Water had now confirmed adoption of the sewer. Finally he explained that the loss of employment land was offset by its redevelopment for residential use given the lack of a five year land supply as required by the NPPF. Therefore the proposal was considered to accord with policy.

Councillor Robertson was given the opportunity to close the debate. She reiterated her opening remarks and made additional comments, including:

- A contribution to Holmer Primary School should be included in the Section 106 agreement.
- Although Welsh Water had now adopted the sewerage network there were still issues in respect of drainage in the area.
- The issues relating to contamination had not been addressed fully.
- There could be health risks to the local community.

RESOLVED

THAT planning permission be refused for the following reasons and any other reasons considered necessary by officers named in the scheme of delegation to officers:

- 1. Loss of employment land**
- 2. Design and site levels**
- 3. Effect on the landscape amenity of the area**
- 4. Scale of contamination**

113. S122234F - UNIT 3, SALMON RETAIL PARK, HOLMER ROAD, HEREFORD, HEREFORDSHIRE HR4 9SB

The Assistant Director Economic, Environment & Cultural Services gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Ardron, representing the applicants, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, one of the local ward members, commented on a number of issues, including:

- The three local ward members were in agreement that the application should be refused in accordance with the Unitary Development Plan.
- The condition restricting out of town developments was clear and should be upheld.
- The developer should focus on the city centre as there were a number of suitable empty stores which would have been fit for purpose.
- Approving the application would have an adverse impact on the vitality and viability of the city centre.
- Approving the application could set a precedent with other city centre businesses applying to relocate.

In accordance with paragraph 5.13.7 of the constitution, the Leader of the Council, Councillor JG Jarvis, addressed the Committee in support of the application. At the conclusion of his statement he left the meeting for the duration of the debate and the vote.

Two Members of the Committee raised concerns in respect of the attendance of the Leader of the Council at the meeting due to his role as a board member of Hereford Futures.

Members discussed the application and noted that although there was a duty to protect and defend planning policy and conditions there was also a need to take a pragmatic approach when required. It was noted that the Section 106 agreement was signed by all parties and clearly required the applicant to relocate to their new premises on the cattle market site at the earliest possibility. Members also noted that 39 jobs could be lost if the application was not granted, this issue was debated at length with Members of the view that jobs in the County needed to be protected. It was further noted that a number of the jobs were part time but again Members were of the opinion that part time jobs formed a valuable and much needed part of the economy and deserved the same protection as full time positions.

There was some concern expressed as to the analysis of alternative sites undertaken by the applicant. Some members were of the opinion that there were more suitable alternative sites within the city centre that could be utilised if the application was refused.

The issue of precedent was also discussed at length. Some members were extremely concerned that by granting the applicant permission to relocate the floodgates could be opened for a number of city centre retailers to make similar applications. The Assistant Director Economic, Environment & Cultural Services advised the Committee that the current application was fairly unique in that there was a demonstrable need to leave their current premises prior to relocating to their new premises on the cattle market development.

One Member of the Committee noted that the proposed conditions required the applicant to relocate to the new store within 6 months. She requested that if permission was granted that this be amended to a period of 2 months. In response to this point the Assistant Director Economic, Environment & Cultural Services advised that a shorter period could cause issues especially with the forthcoming Christmas period and the works required at the new store.

In response to questions raised during the debate the Assistant Director Economic, Environment & Cultural Services advised that; if there was a delay in the construction of the cattle market development the applicant could make a new application for a further temporary planning permission; that the application was a personal permission and that no part of the new store could be sublet to a third party; that land transaction and commercial contracts were not material planning considerations; that key considerations were keeping Next within the city as well as safeguarding jobs; that granting the planning permission would not set a precedent as each application had to be considered on its merits; that although the relocation of Next could have an adverse impact on expenditure within the city centre that expenditure would remain within the County; and that the comments of Hereford Futures in objection to the application had been made at a very early stage and had been made prior to the Section 106 agreement being agreed with all parties.

Councillor Andrews was given the opportunity to close the debate. She reiterated her opening remarks and requested that the application be refused.

RESOLVED

Subject to the satisfactory completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report, planning permission be granted subject to the following conditions.

1. A01 Time limit for commencement (six calendar months)

Reason: As required to be imposed by Section 91 of the Town and Country Planning Act 1990 and to reflect the particular circumstances of the application.

2. This permission shall expire on 29 August 2014

Reason: To reflect the particular circumstances of the application and to safeguard the vitality and viability of Hereford City Centre in accordance with Policies TCR1 and TCR2 of the Herefordshire Unitary Development Plan.

3. The planning permission shall enure for the benefit of the applicant, Next Group plc only and shall not enure for the benefit of the land. The use shall also enure only so long as the applicant, Next Retail Limited, occupies the premises, or up to and including the date indicated in Condition 2 of this permission, whichever is the sooner. At the point at which Next Retail Limited vacate the premises the sale of goods from Unit 3 will be as dictated by Condition 5 of planning permission HC/930262/PFE.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances in order to protect Hereford's Central Shopping and Commercial Areas in accordance with Policies TCR1 and TCR2 of the Herefordshire Unitary Development Plan.

Reasons for Approval

1. The planning permission reflects the very special circumstances faced by the applicant, Next Retail Limited. The company is unable to continue to

trade from its current premises in the Maylord Centre up to the point at which it will be able to move into the Old Livestock Market development.

- 2. The company has carried out a search of other potential temporary premises. None of these are acceptable for a variety of size and refurbishment costs that would be disproportionate to the proposed period of occupancy.**
- 3. The associated planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 will provide the appropriate control to ensure that Next vacate the application premises at the sooner or either the expiry of the temporary planning permission or its occupancy of Units 11 and 12 of the Old Livestock Market development.**
- 4. Subject to the tight controls set out in the proposed conditions and the Section 106 Agreement the Councils considers that the circumstances of the application and the material planning considerations involved as sufficient to outweigh the normal application of national and local retail planning policies.**

114. S122572F - LAND AT THE PARKS, BROCKHAMPTON, HEREFORD, HR1 4SD

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mrs Grant, Chairman of Brockhampton with Much Fawley Parish Council, spoke in support of the application.

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

- The application would provide a much needed purpose built home for a family with severe medical needs.
- Details were given of the chronic medical needs of Mr Hope and his daughter, both who were cared for by Mrs Hope on a full time basis.
- Approving the application would keep the family together as well as reducing the burden on the Council to provide social care.
- The local residents and parish council were in support of the application.
- The proposed design had been improved considerably since the initial application was submitted through a number of discussions with the planning officer.
- The dwelling would remain affordable in perpetuity, this was another advantage to the local community.

Members noted the sensitive nature of the application. They thanked the local ward member for giving them a thorough account of the circumstances that had led to the application being submitted.

Members noted that the application site was fairly isolated and that there were no issues of overlooking. They also felt that approving the application would not have an adverse impact on the landscape.

They were keen to ensure that the proposed dwelling remained affordable in perpetuity and recommended that a Section 106 agreement be completed as part of the application to ensure this.

Members discussed the key policies of the Unitary Development Plan and they were of the opinion that the application was in accordance with policies H10, LA1 and LA2. Some members did have concerns that the application was contrary to the National Planning Policy Framework and requested clarification as to whether any of the existing ancillary buildings on the site could be converted. The Senior Planning Officer confirmed that this issue had been investigated with the applicant but that it was deemed that none of the buildings were suitable.

The Head of Neighbourhood Planning advised Members that the application was clearly contrary to policy but that it was the decision of the Committee as to whether they wished to make a departure from policy due to the applicants circumstances. He added that the Core Strategy would be formulated in the New Year and that this would give members the opportunity to ensure that suitable policies were contained within it.

Councillor Durkin was given the opportunity to close the debate. He reiterated his opening remarks and made no further comment.

RESOLVED

THAT subject to completion of a section 106 obligation for ensuring the property remains affordable in perpetuity officers named in the Scheme of Delegation to Officers grant planning permission subject to any conditions noted in the report and subject to any further conditions considered necessary by officers.

Reasons for approval

It is considered that the provision for this local needs housing adjacent to the applicants existing accommodation will provide continuity and improve the conditions in which the applicants live in accordance with para 9 of the NPPF.

In addition the linking of the development to a Section 106 Agreement to ensure that the property remains an affordable dwelling in perpetuity will ensure the dwelling remains available for local people.

Whilst located within the AONB its siting within a group of dwellings ensures that its impact is therefore mitigated within the landscape. Accordingly the proposal is considered to be acceptable and compliant with policies H10, LA1 and LA2 of the HUDP.

115. N121564F - LAND AT BURNT HENGOED, BRILLEY, HEREFORDSHIRE

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet

In accordance with the criteria for public speaking, Mr Corbett, the applicant's agent, spoke in support of the application.

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

- The application as supported by Policy H8 of the Unitary Development Plan as there was a functional need for an additional worker on the site.

- There were no suitable existing buildings to convert.
- The application should be approved.

Members discussed the application and noted that the dwelling applied for was of a moderate size and would be of benefit to the farm. It was also noted that it would be essential to ensure that the dwelling was linked to the farm through a suitable agricultural tie condition.

Members discussed the lack of affordable housing in the area and noted that the applicant's agent had clarified the financial details of the farm in his presentation. Members were disappointed that the financial details of applicants needed to be disclosed in an open forum.

In response to comments from the Committee, the Head of Neighbourhood Planning advised Members that there were already two dwellings on the site and that the officer was not convinced that there was a need for a third. He noted that the assessment had indicated a need for 2.8 workers but added that these works would not be needed on site 24 hours a day, and hence the two dwellings could satisfy the need.

Councillor Hope was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The parish council was in support of the application.
- It was vital to retain jobs in rural areas.

RESOLVED

THAT planning permission be granted subject to an agricultural tenancy condition, any conditions noted in the report and any further conditions considered necessary by officers.

Reasons for approval

It is considered that there is a functional agricultural need for the additional agricultural dwelling on the farm and the financial test has been passed. Therefore the principle of erecting an agricultural workers dwelling on this site is considered to be acceptable.

The proposed size, scale, design and appearance of the building is considered to be acceptable and not out of keeping with the character of the area.

The dwelling will be sited adjacent to an agricultural dwelling near the farm complex and as such will not be prominent in the landscape.

The new dwelling will not adversely affect the residential amenities of occupants of existing dwellings in the area. The proposed vehicular access arrangements are also considered to be acceptable.

The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance, in particular Policies S2, DR1, DR3, DR4, H7, H8, LA2, NC1, of the Herefordshire Unitary Development Plan and Government advice contained in the National Planning Policy Framework (March 2012).

116. N1224030 - HOLLOWAY COMMON FARM, HAMPTON CHARLES, TENBURY WELLS, HEREFORDSHIRE, WR15 8PY

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Bemand, the applicant, spoke in support of the application.

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

- There was support for the application from the local community.
- The applicant could be called on for a number of different types of emergencies throughout the year.
- The majority of out of hours call outs were attended to by the applicant.
- The Council needed to support rural businesses.
- The policies relating to agricultural workers should be looked at during the discussions relating to the Core Strategy in the New Year.

Members noted that the application was similar to the previous application and considered that the functional test had been met. They requested that the proposed dwelling be tied to the business through a suitable agricultural occupancy condition.

The Development Manager advised that policy H8 of the Unitary Development Plan required occupancy on the site to be essential by the applicant. He added that Members had to make a decision as to whether this was the case.

Councillor Millar was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

RESOLVED

THAT Outline Planning permission be granted subject to a rural workers condition, any conditions noted in the report and any further conditions considered necessary by officers.

Reasons for approval

It is considered that there is a functional need for the rural workers dwelling in the locality and the financial test has been passed. Therefore the principle of erecting a rural workers dwelling on this site is considered to be acceptable.

The dwelling will be sited adjacent to the machinery storage area and workshop to the business and as such will not be prominent in the landscape.

The new dwelling will not adversely affect the residential amenities of occupants of existing dwellings in the area.

The proposed vehicular access arrangements are also considered to be acceptable.

The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance, in particular Policies S2, DR1, DR3, DR4, H7, H8, LA2, NC1, of the Herefordshire Unitary Development Plan and

Government advice contained in the National Planning Policy Framework (March 2012).

117. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.40 pm

CHAIRMAN

PLANNING COMMITTEE

19 December 2012

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.

S121554/F - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 34 HOUSES AND GARAGES TOGETHER WITH ROADS, SEWERS AND ASSOCIATED EXTERNAL WORKS AT FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD,

For: Ms Rout per Mr Paul Harris, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT

ADDITIONAL REPRESENTATIONS

In response to concerns raised about contaminated land, the applicants, Lioncourt Homes have provided the following comments:

Lioncourt Homes have had a number of discussions with Nick James, EHO at Herefordshire Council for the above area, with regards to the legacy contamination issues on this site. Intrusive ground investigation reports were submitted as part of the planning application and the discussions with Mr James have been informed by this information. It has been agreed that the final remediation proposal for this site will be detailed and secured as part of standard contamination conditions attached to the consent, should it be granted, and it is certain that a cover layer system will form part of that remediation strategy.

Lioncourt Homes confirm that (in line with common industry practice) the finished levels submitted with our planning information have been raised above existing levels in order to accommodate the intended cover layer. This is to avoid a situation whereby contaminated land is stripped from the site and carted away in order to bring an equivalent volume of "clean" spoil onto site - a scenario which is commercially disadvantageous, creates unnecessary HGV movements within the local highway network and simply moves the problem somewhere else where it will have to be dealt with again at some point in the future. Lioncourt Homes has now commissioned detailed road and drainage design for the site and are confident that the levels Cadsquare have designed are the finished levels for the site going forward and should not require amending in the future. It is anticipated that the approved remediation strategy (once agreed) should be able to be accommodated within the latest proposed level design provided with our planning details.

NO CHANGE TO RECOMMENDATION

**S122572/F - PROPOSED NEW BUNGALOW AT LAND AT THE PARKS,
BROCKHAMPTON, HEREFORD, HR1 4SD**

**For: Mr & Mrs Hope per Mr Nigel Teale, Bramble Farm, Naunton, Upton
Upon Severn, Worcestershire, WR8 0PZ**

OFFICER COMMENTS

Members are advised that the Heads of Terms for the suggested S106 Agreement have not been finalised and in the event that the application is to be approved, officers would seek delegated authority to complete the S106 Agreement before any permission were issued. The Heads of Terms would secure the property in perpetuity as an affordable dwelling, and its occupancy restricted utilising a cascade approach with a local person with ties to the parish and meeting the 'needs' criteria being eligible to purchase and reside within it.

CHANGE TO RECOMMENDATION

There is an incorrect reference to Policy LA2 in the Reason for Refusal. This should refer to Policy LA1 – Areas of Outstanding Natural Beauty

**N121564/F - A NEW FARM WORKERS DWELLING AT LAND AT
BURNT HENGOED, BRILLEY, HEREFORD, HEREFORDSHIRE**

**For: Mr & Mrs Lloyd per Mr Ben Corbett, Lion Court, Broad Street,
Leominster, Herefordshire, HR6 8BS**

ADDITIONAL REPRESENTATIONS

Natural England have responded to the application raising no objections

NO CHANGE TO RECOMMENDATION

**N122403/O - SITE FOR PROPOSED RURAL WORKERS DWELLING AT
HOLLOWAY COMMON FARM, HAMPTON CHARLES, TENBURY
WELLS, HEREFORDSHIRE, WR15 8PY**

**For: Mr & Mrs Bemand per Wall James Chappell, 15-23 Hagley Road,
Stourbridge, West Midlands, DY8 1QW**

ADDITIONAL REPRESENTATIONS

Natural England – No objection

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. N120376/F

- The appeal was received on 7 December 2012
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by The Owner and/or Occupier
- The site is located at Yellow Wood Forrestry Office, Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The development proposed is the removal of conditions 1, 2 & 3 of planning permission DMN/112341/F and the proposed retention of of office and store
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

Application No. S113491/F

- The appeal was received on 10 December 2012
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Nick Rawlins
- The site is located at 1 Birtletons, Upton Bishop, Herefordshire, HR9 7UF
- The development proposed is the erection of 3 bedroom house.
- The appeal is to be heard by Written Representations

Case Officer: Mr D Thomas on 01432 261974

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



MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	<p>S121357/N - CONSTRUCTION OF A 499KW AGRICULTURAL ANAEROBIC DIGESTION AND ANCILLARY DEVELOPMENT TO PRODUCE RENEWABLE ENERGY FROM ONSITE GENERATED WASTES AND ENERGY CROPS. AT LITTLE PENGETHLEY FARM, PETERSTOW, ROSS-ON-WYE, HR9 6NB</p> <p>For: Mr Green per Mr Robert Edwards, 4205 Park Approach, Thorpe Park, Leeds, LS15 8GB</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121357&NoSearch=True

Date Received: 8 May 2012

Ward: Pontrilas

Grid Ref: 354088,225240

Expiry Date: 7 August 2012

Local Members: Councillors RB Hamilton and JA Hyde

1. Site Description and Proposal

- 1.1 Little Pengethley lies approximately 6 kilometres west of Ross on Wye along the A49(T) towards Hereford, close to St Owen's Cross. It accommodates Gamber Produce Ltd, and is part of a farm enterprise operationally based at Ditton. The farm holding covers over 1400 hectares (3500 acres) in all, incorporating other holdings and enterprises in the vicinity including poultry units, fruit/vegetable production, arable, haulage yard, farm contracting and poultry unit cleaning services. A small part of the Gamber site lies within Sellack parish (Llangarron Ward), but the majority, including the application site, lies within the parish of Hentland (Pontrilas Ward). The site has two approved accesses; one from the A49(T) into Gamber Produce's yard, and a second entrance along a drive to the south which joins the B4521 near St Owen's Cross.
- 1.2 The proposal is to install a 499kW anaerobic digester producing bio-gas, to be used to generate power and heat from a combination of poultry litter, vegetable waste and energy crops, all produced from within the enterprise. The plant would be located on land adjoining existing large chiller and packing buildings, offices and yards. This complex is a distribution centre for the farm's fruit and vegetable crops. Development would comprise the following:
- 2 digester tanks, each 25.1 metres diameter. The height would be 7.35 metres but set down by 2-4 metres to minimise impact. Part of the tank tops would have domed double-membrane gas-holders; maximum height 11.475 metres, approximately 7 metres above ground level;
 - 2 digestate storage tanks also 25.1 metres diameter, similarly set down, but without the domed tops: actual height 7.150 metres, height above ground level approximately 4 metres;
 - Traditional agricultural silage clamp contained by concrete bays; enclosure approximately 80 x 30 metres, height 3.2 metres;
 - Digestate separator (7 x 12.746 metres, 4.7 metres high) and associate dry clamp;

Further information on the subject of this report is available from Debby Klein on 01432 260136

- Ancillary equipment including combined heat and power unit (CHP), transformer, sub-station, boiler room, feeder unit, reception tank, control kiosk and surplus gas flare 7 metres high.
- The plant would be contained within a low-bunded impermeable area to Environment Agency specification.

1.3 This application is a resubmission of application reference S112374/N for a similar proposal, withdrawn on 3 November 2012.

1.4 A formal Screening Opinion was issued on 1 August 2011. This concluded that Environmental Impact Assessment (EIA) would not be required because (a) the actual operational area does not exceed the threshold; (b) the site is not within a 'sensitive area' as defined in the legislation, and (c) the specification falls well below the indicative output criteria of 50 MW given in Circular 02/99. A second Screening Opinion to the same effect was issued on 7 December 2012 relating to the resubmitted scheme and to include the proposed drainage system (SUDS).

2. Policies

2.1 Legislation

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

2.2 National Planning Policy Framework (NPPF)

The NPPF carries significant weight and presents a broad overview of central government's approach to planning policy. It presumes in favour of sustainable development (defined in the document) within the context of a plan-led system and up-to-date adopted local policies. The NPPF must be viewed in its entirety, but particular specific elements in this case are relevant. These include section 3 'Supporting a prosperous rural economy' and section 10 'Meeting the challenge of climate change'. Both support the proposal in principle at strategic level. Section 12 seeks to secure protection of the historic environment whilst recognising the need for the built environment to develop.

2.3 UK Renewable Energy Strategy (2009)

This document sets government targets for renewable energy to 2020 and is under regular review.

2.4 Anaerobic Digestion Strategy and Action Plan (2011)

This document is published jointly by the Department of Environment Food and Rural Affairs (Defra) and the Department of Energy and Climate Change (DECC). It acknowledges and supports the potential for farm-based enterprise to generate renewable energy utilising effluent, waste and energy crops.

2.5 Other Guidance

- UK Biomass Strategy 2007 (joint Defra/DTi/DfT publication)
- Environment Agency Position Statement 'Anaerobic digestion of agricultural manure and slurry' 2010
- www.biogas-info.co.uk 'The Official Information Portal on Anaerobic Digestion' - Defra/DECC

2.6 Herefordshire Unitary Development Plan (UDP)

Further information on the subject of this report is available from Debby Klein on 01432 260136

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR9	-	Air quality
DR13	-	Noise
DR14	-	Lighting
E12	-	Farm diversification
T6	-	Walking
T8	-	Road hierarchy
LA2	-	Landscape character
LA6	-	Landscaping schemes
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
ARCH1	-	Archaeological assessments and field evaluations
ARCH6	-	Recording of archaeological remains
CF4	-	Renewable energy

2.7 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 S112357/N - Anaerobic digester on the same site, withdrawn on request 3 November 2011.
- 3.2 DCSW2008/1755/N – Change of use of an existing building and a small area of land adjoining the application on the north side, to a Waste Transfer Station for agricultural packaging and plastic, approved 18 September 2008. Not implemented – expired 18 September 2011.
- 3.3 DCSW2007/0937/F – Alterations and upgrading of existing access track to B4521; approved 18 June 2007.
- 3.4 DCSW2006/3320/F – Extension to adjoining haulage and trailer yard; approved 6 December 2006.
- 3.5 Historic applications and permissions in the 1980s and 1990s relating to potato storage and packing buildings undertaken prior to Gamber Produce Ltd occupying the adjoining site.

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency - Initial objection to the previous application (S112374/N) pending an assessment of potential effects on groundwater. On this resubmission, a detailed letter from the Agency offering extensive advice included details of the necessary Environmental Permit which would be the key regulatory mechanism, and the following statement: 'We have no objections to the proposed development. On clarification of details, and following a review of constraints, in this instance we are satisfied that the principle of this development is acceptable at this location'. Following discussions, further flood risk work submitted by the application resulted in confirmation of the Agency's position: 'We have no objections to the proposed development. Without prejudice, based on the information received, we do not foresee any showstopper issues relating to the requirements of an Environmental Permit'.
- 4.2 National Grid - has no objection to the proposal with regard to high pressure gas main or high voltage underground cables.
- 4.3 Highways Agency – No objection in principle, accepting there would be no significant intensification of use of the junction between the B4521 and the A49(T). However, a 'holding direction' was issued pending consideration that any additional or occasional use of the direct A49(T) access at Gamber Produce would require a re-assessment of that access, and modifications if necessary. The applicant revised and removed the intention to use the A49 for some deliveries to the plant, and the holding direction was lifted with confirmation of no objection. This is discussed in more detail below.
- 4.4 Herefordshire Primary Care Trust – Poultry farms, composting and also AD plants have the potential to produce bioaerosols. However, Environment Agency and Health Protection Agency advice is that this only arises within 250 metres of the source. Beyond that distance any aero-allergen levels are normal/background, and unlikely to pose a risk to residential properties. Such plants are regulated by the Environment Agency. No objection.

Internal Council consultations

- 4.5 Transportation Manager – Concerns about possible traffic impact at St Owen's Cross due to existing road safety issues. An assessment of the access and the likely use levels is required. Works may be necessary to improve visibility at the junction of the access track to the B4521. The proposal could intensify use of this access. Subsequent comments following further information from the applicant: the applicant has confirmed that the plant would be serviced from the farmland surrounding the site and owned by the applicant, with be no increase to existing vehicle movements overall. On that basis no objection. However, St Owen's Cross has a history of accidents generally. Recommendation for a Traffic Management Plan to minimise any additional pressure on the crossroads.
- 4.6 Head of Environmental Health and Trading Standards - The application includes an adequate noise report and odour assessment. I am satisfied that the application addresses any potential concerns regarding odour, noise and lighting. No adverse comments in relation to air quality. The site would be regulated by an Environmental Permit from the Environment Agency. No objection. Condition recommended, to secure proposed noise mitigation as submitted.
- 4.7 Drainage Advisor - Drainage should be designed and sized on the entire working area, to allow for future circumstances. I would favour a holding area, e.g. a tank or swale, with details of any final discharge. No objection.
- 4.8 Public Rights of Way Manager: the right of way will not be affected.
- 4.9 Conservation Manager (Landscapes): The Landscape Character is 'principle settled farmlands'. The site adjoins large-scale warehousing and a lorry park; the field to the south is open. The north side is well screened. The submitted landscape and visual impact

Further information on the subject of this report is available from Debby Klein on 01432 260136

assessments are adequate and meet recommended guidelines, adequately covering key public viewpoints in the vicinity. The site adjoins the boundary of the Wye Valley Area of Outstanding Natural Beauty, but in itself has no key landscape features and the surrounding land is not of high quality. The proposal would extend the complex of large buildings at Gamber out into the currently empty field. Proposed planting would help to mitigate the impact. Planting should be as naturalistic as possible, with new hedgerows extending along the eastern site boundary and the Gamber site. Provision of new habitat is recommended. On the basis of the above there is no landscape objection. These comments were made on the previously withdrawn application. Confirmation received that these comments also apply to this resubmission.

- 4.10 Conservation Manager (Ecology): The submitted Ecological Assessment appears to be a fair representation of the site. It is an arable field with hedgerows and margins, which are the main biodiversity interest as Herefordshire Biodiversity Action Plan Priority Habitats. The creation of balancing ponds/swales would be welcomed, if incorporated as new seasonal wetland habitat. No objection, recommendation for a condition to secure ecological mitigation through a habitat creation scheme.
- 4.11 Conservation Manager (Ecology Consultant): The site is nearly 8 kilometres via any hydrological drainage from the SAC (River Wye Special Area of Conservation). Provision has been made for spillage to 110% of the largest tank, minimising the risk of any contamination. I would conclude there will be No Likely Significant Effect on the River Wye SAC.
- 4.12 Conservation Manager (Archaeology): The Archaeological Advisor states that the site might include at-risk heritage assets, although it is considered that mitigation could and should be achieved. No objections raised: recommendation for a standard condition to secure an appropriate archaeological recording project, as recommended within the submitted application.

5. Representations

- 5.1 Further comments were received from the applicant after this submission. Appendix 1.1 to the re-submitted Supporting Statement (initially dated April 2012) gives the applicants' detailed responses to questions from the Environment Agency, the case officer and objections from residents in relation to the original withdrawn application (reference S112374/N). In addition, the applicants held a public meeting on 31 May 2012 to answer questions on local concerns about traffic, odour, location of the plant, the nature of AD plants, health and safety etc. A report in the form of a Q&A sheet is included with the file papers. In response to questions about the operation of the plant and safety considerations, Mr Russell Mulliner of Marches Biogas provided an explanatory report which sets out the technical specifications and safeguards, which is also with the file papers. Mr Mulliner is a qualified and experienced engineer who has been involved with the design and construction of AD plants for many years, including installations at other sites in this locality.
- 5.2 Hentland Parish Council: (First response 26 June 2012): A public meeting was held at the New Inn to hear residents' views. The Parish Council comments as follows: Seasonal additional traffic is the greatest concern. There is no footway on the B4521 and residents need to get to the bus stop on the A4137. The increase in movements at harvest time would present an increased risk of accidents. Could a pathway be provided along the B4521? St Owen's Cross is a known danger spot with frequent accidents despite measures in place. Visual impact should be mitigated as much as possible, through planning conditions. The Parish Council requests that the application be presented to the Planning Committee due to the controversial nature of the proposal.
- 5.3 Hentland Parish Council: (Second response 11 October 2011): Objection to the exclusive use of the B4521 entrance, raising the following points:-

- a) vehicles travelling south on the A49 would have to turn right onto the A4157 or at the junction with the B4521;
- b) traffic using the A4157 would increase use of the dangerous St Owen's Cross;
- c) either way, vehicles would pass close to residential properties and the bus stop used by schoolchildren;
- d) trailer-loads of vegetation may smell;
- e) using the A49 entrance would reduce the risks, even if a filter lane were required;
- f) concerns amongst members about safety risks from the technology.

5.4 Sellack Parish Council: Supports the application. The proposal would be a natural addition to the current farming enterprises. Using material that would otherwise be 'waste' to generate energy and the residue ploughed back is to be applauded. The implications for the local community have been carefully considered. Farming methods need to be progressive in times of economic depression. Members would like to visit the plant in due course.

5.5 A total of 29 letters and emails of objection were received from residents during the first consultation period for this application. The additional and amended details subsequently submitted have generated several additional consultation periods. Traffic and road safety are by far the most significant concerns. All the letters raised similar matters, which are summarised as follows:

- Support in principle for AD plants, but this is on an industrial scale in the wrong place and too close to houses. Why not build it at Ditton or elsewhere, or near to the poultry units?
- Road safety - any additional use of the B4521 and/or the A4137 at St Owen's Cross would be unacceptable. The junction is very dangerous with a history of serious accidents. There is no footway on these narrow but busy roads, used by schoolchildren every day. The road surface is poor, and damaged by large vehicles. This proposal will cause further deterioration. These roads are used as a diversion if the A40 or A49 are closed.
- Traffic - Any extra traffic generated by the proposal would be unacceptable. The Highways Agency will not allow further use of the A49 entrance so all traffic to the plant would use the St Owen's Cross entrance on the B4521.
- The applicant's land holdings are separate so the crops and poultry litter would have to be transported on the highway, not within the holding as implied.
- The application claims there would be no overall increase in traffic numbers and movements, but this is not accepted. Deliveries of energy crops to the site would be seasonally concentrated at harvest time and would represent a significant increase at certain times.
- Visual impact - this huge plant would be close to houses and would add to the industrialisation of open countryside on the fringes of the Area of Outstanding Natural Beauty.
- Flood risk - there have been recent flood incidents at Ashen Coppice and its neighbours, from surface water during significant rainfall events. A Flood Risk Assessment is required as the site is more than 1 hectare. Further hardstandings could increase existing flood threats.
- Smell - Other plants [in England] have generated significant odour complaints. Storage of the vegetable/crop feedstock can be odorous and produce run-off. We will not be able to sleep with the windows open or enjoy our gardens.
- Noise - The CHP unit is very noisy. We visited the site at Oswestry and measured 45dB at 125 metres at that plant.
- Pollution - There is a threat of pollution to watercourses. Wildlife could be adversely affected.
- Safety - The applicant has said there will be no skilled or qualified staff on site; there is a risk of explosions; does the fire brigade know how to deal with a fire at an AD plant? There is no lightning conductor shown on the plans;

- Health - People with health problems such as asthma will be adversely affected. The site is too close to houses.

5.6 Further details and amendments were submitted by the applicant, in response to matters arising during the consultation period. In particular, clarification was provided on Environment Agency requirements (although the Agency had not objected). This included details of the tank bunding area (required for containment volume of 110% of the largest tank capacity), and a plan showing drainage and a seasonal swale to accommodate surplus rainwater during extreme weather events. Negotiations with the Highways Agency resulted in the applicant confirming that no vehicles exclusively accessing the AD plant would use the A49 entrance.

5.7 These were re-consulted on, allowing a further period for comments to be received from both professional consultees and members of the public. These matters are discussed in more detail below. A further 20 representations were received; the majority are from local people who had written previously. Previous concerns were repeated and some additional comments were made in relation to the new information. These are summarised as follows:

- The application has been altered and a new application should be made;
- The addition of a lagoon is outside the site area and is a significant change;
- We are worried that the lagoon will make flooding issues worse;
- At a recent fire at another AD plant, the Fire Authority did not know how to deal with it;
- Matters of safety and fire risk have still not been addressed;
- As predicted, the Highways Agency has refused to allow use of the A49 entrance;
- Exclusive use of the B4521 entrance will be intolerable;
- The traffic figures in the application are inaccurate and are challenged; actual numbers would be excessive;
- Ministers are questioning the ethics of growing energy crops instead of food;
- There have been numerous odour complaints about an AD plant in Staffordshire/the West Midlands;

5.8 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

Principle of the development

6.1 The proposed plant would have an electrical output of 499 KW of renewable energy, fuelled by poultry litter, vegetable waste and energy crops all produced from within the holding. Heat from the unit would be used to run the large chillers at the adjacent packing station and to heat buildings. Power output must be fed into the grid, a 3-phase connection for which is available at this site. On-farm digesters are subject to Environmental Permitting, regulated by the Environment Agency. Controlled matters include site management; activities and operations; quantity and types of waste (where applicable); emissions to land, air and water including odour, noise etc; monitoring and reporting. This is the key regulator, under Environmental Protection legislation, and takes precedence over planning. The planning system must take account of these factors as material considerations, with an emphasis on the proposal's capability for compliance, based on the Environment Agency's views. Other matters such as traffic and landscaping do fall into the remit of the planning system.

6.2 Anaerobic digestion (AD) has long been used for utilising the residual calorific value in organic material otherwise regarded as 'waste', to generate heat and power. This has been widely deployed by the water industry at sewage treatment plants. Smaller farm-based plants have

become increasingly common as technology develops, presenting opportunities to manage agricultural effluent and increase sustainability. The AD process harnesses natural biological processes, breaking down organic matter within sealed tanks. Microbes and bacteria 'digest' a mix of effluent and crops ('feedstock') over a period of time ('retention period'), during which biogas is produced. Methane forming naturally during decomposition of such material is released to atmosphere if left in the open or composted. It is approximately 30 times more potent than Carbon dioxide as a greenhouse gas. Captured biogas is used to drive a gas engine (Combined Heat and Power (CHP) unit) from which power can be generated to be fed into the grid, and heat can be used at nearby buildings. The process also absorbs some of the chemical compounds within feedstocks, such as nitrates, and can thus help to control diffuse pollution from farm run-off. Because the process removes much of the ammonia, the final residue ('digestate') is considerably less odorous than the raw manure feedstock. It is used as a valuable fertiliser.

Key Issues

- 6.3 The key points in this case are:
- National policy (NPPF) and government initiatives
 - Renewable energy and sustainability
 - Location of site, proximity to dwellings
 - Visual impact
 - Landscape, heritage assets and archaeology
 - Biodiversity
 - Traffic, highways, access, road safety
 - Groundwater, flood risk and run-off
 - Odour
 - Noise
 - Health and Safety
 - Air Quality, Pollution prevention

National policy (NPPF) and government initiatives

- 6.4 The NPPF carries significant weight. It supports renewable energy projects on a range of scales and types, subject to good design and adequate protection for landscapes, biodiversity and heritage. The application considered these factors, which are discussed further below. Section 3 of the NPPF promotes a prosperous rural economy through '*the sustainable growth of all types of business and enterprise in rural areas*' and '*the development and diversification of agricultural and other land-based rural businesses*' (Paragraph 28). Section 10 requires local authorities through their adopted policies to encourage moves towards a low carbon future, to promote renewable energy sources, and to approve proposals where mitigation is possible. Paragraph 97 encourages local authorities to '*recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources*'. Paragraph 98 recognises that '*even small-scale projects provide a valuable contribution*' and advises local authorities to approve an application if its impacts are acceptable subject to other material considerations. Section 11 seeks to conserve and enhance the natural environment including valued landscapes. Paragraph 187 requires local authorities to look for solutions rather than problems and '*at every level ... seek to approve applications for sustainable development where possible*'. Government acknowledges potential for tension between these multiple requirements, but local planning authorities are expected to exercise professional judgement in striking a balance between the various determining factors.

Renewable energy and sustainability

- 6.5 The UK Renewable Energy Strategy 2009 supports low-carbon bio-energy projects in principle, as part of a range of renewables required, including small-scale contributions. The 'Anaerobic Digestion Strategy and Action Plan (2011)', is published jointly by the Department

of Environment Food and Rural Affairs (Defra) and the Department of Energy and Climate Change (DECC). It acknowledges and supports the potential for farm-based enterprise to generate renewable energy utilising effluent, waste and energy crops.

- 6.6 The Government has committed to supporting bio-energy crop production. Defra's joint strategy of 2007 sets targets for significant increases in fuel crop production. It regards these as carbon-neutral and a good alternative to using fossil fuel. Wood, maize, beet, Miscanthus (Elephant grass) and other crops were cited as of good calorific value for the purpose. The controversial food-versus-fuel debate is recognised however, and a common-sense balance should be struck to meet a variety of needs whilst avoiding blanket monoculture.
- 6.7 Government has consistently advised that the planning system relates primarily to land use and should not seek to judge a renewable energy proposal on viability, efficiency or need. The NPPF (paragraph 98) specifically warns that local authorities 'should not require applicants to demonstrate the overall need for renewable or low-carbon energy'. The application states that the purpose of the proposal would be farm diversification, self-sufficiency and reduction of carbon footprint. Surplus energy from a plant of this type is exported via the grid and this has been confirmed as possible, using existing infrastructure close to the site. The export of surplus power to the grid is regarded favourably by Government advice and the funding system of Feed-In Tariffs (FIT) and Renewable Energy Certificates (ROC). Officers accept that the proposal would contribute to overall Government approaches to sustainable renewable energy provision. This meets the relevant parts of policies S1, S11 and CF4 of the Herefordshire Unitary Development Plan (UDP) on these topics.

Location of site, proximity to dwellings

- 6.8 The applicant's farm holding includes several operational sites, including poultry complexes. The office headquarters are at Ditton Farm, to the west of the application site. Residents have questioned why the AD plant should be at Little Pengethley, and the applicant has responded as follows:
- A viable electrical connection exists at a sub-station; connection at Ditton would not be possible without additional infrastructure;
 - Siting the plant at Ditton would entail all vehicles using St Owen's Cross;
 - Vegetable waste from Gamber Produce would be immediately available without transport;
 - Much of the power and heat would be directly used at Gamber, which is a significant energy consumer for its processes, chiller units and buildings.
- 6.9 If the AD plant were located at the poultry units, litter, waste and crops from the other parts of the holding would still have to be transported. Little Pengethley is central to the holding. It is also relatively distant from residential dwellings. The nearest properties are Pengethley House and cottages 250 metres to the north beyond the existing large packing sheds; 'Hamblets' (288 metres); and 'Dalchrys' on the north side of St Owen's Cross, which uses the Pengethley access drive and is 200 metres from the site. Pengethley Nursery on the far side of the A49 is 300 metres to the north-east. All other properties in the vicinity and along the B4521 are more than 350 metres away.
- 6.10 Although to be located on undeveloped farmland, the plant would relate to the extensive haulage yard and buildings associated with Gamber Produce Ltd. The yard is slightly raised and the plant would be slightly set down. It is considered that, on technology and site choice, there is no conflict with UDP policies S1, S2 or S11 and the proposal would comply with policies DR1, DR2, LA2 and CF4.

Visual Impact

- 6.11 The tanks, equipment and bunded hardstandings would be utilitarian, having an industrial character. However this is the case in an increasing number of agricultural installations on many farms, such as poultry enterprises and dairy units. This is commensurate with the need to increase the production of affordable, good quality food. Renewable energy plays its part in this process in terms of self-sufficiency, reducing carbon footprints of production and limiting the use of fossil fuel. The plant would be located just south of the existing Gamber Produce haulage yard. The Senior Landscape Officer commented that the plant would extend the large-scale development to the south of the existing complex of buildings, but acknowledged that there are no particular features nearby for this to detract from. The submitted Landscape and Visual Impact Assessment has been accepted as meeting recommended guidelines. The visual survey adequately covers the key public viewpoints in the area. Such public view points are limited, due to the topography and the proposal to set the tanks down lower than existing ground levels. The proposed landscaping and planting would mitigate the impact and help to assimilate the plant into its setting. A condition to ensure the tanks would be coloured appropriately would also assist in mitigation. In the context of the existing large-scale haulage yard, the proposal is considered not to conflict significantly with UDP policies S2, DR1 or LA2.

Landscape character, heritage and archaeology

- 6.12 The local landscape character is 'Principal Settled Farmlands', typified by mixed farming, open fields and a landscape which is subject to change. The site is not within any designated landscape area, although the boundary of the Wye Valley Area of Outstanding Natural Beauty lies just to the east. However the A49 and an expanse of arable field lie in between and the site area is not considered to be of high landscape quality. The Senior Landscape Officer considers that the proposal would not significantly alter the existing character and would offer potential improvements, for example to screen and integrate the haulage yard. There are no objections on landscape grounds or conflict with UDP policy LA2. A landscaping condition is recommended to meet the requirements of policy LA6.
- 6.13 The site is within an area of general archaeological interest. The proposal would entail excavations to lower the tank bases. However the land has been previously ploughed and the Gamber site is well-developed. The application included an archaeological desk study undertaken previously, which concluded a potential for deposits to be exposed. The Archaeological Advisor considers that this should not prevent the development, but careful observation should be undertaken. Mitigation would be in the form of recording any evidence or artefacts found, to add to the historic record. The proposal recommends investigation during groundworks, to be secured by a planning condition, in accordance with UDP policies S7 and ARCH1.

Biodiversity

- 6.14 An ecological survey was conducted in 2009 in connection with a different proposal, and this has been updated for the current application. The Senior Planning Ecologist has commented that the assessment appears to be a fair representation of the site. It is an arable field, with hedgerows and field margins offering the main biodiversity interest. Both are Biodiversity Action Plan Priority Habitats and would be retained under the proposal. Balancing ponds and swales would be beneficial to wildlife. A condition would secure mitigation offered in the submission and for a detailed habitat creation and enhancement scheme, under UDP policies S7, NC1, NC6, NC7, NC8 and NC9.

Traffic, highways, access and road safety

- 6.15 Roads and traffic are the key issues for local residents and this is reflected in individual responses as well as those made by Hentland Parish Council. The junction of the A4137 and the B4521 at St Owen's Cross is regarded by many as an accident black-spot, with letters of

objection citing numerous incidents. The A4137 is used as a diversion at times when the A49 and/or the A40 may be subject to delays or closures.

- 6.16 Initially, the applicant wished to use the southern entrance off the B4521 for most deliveries, with occasional use of the A49 entrance for any vehicles approaching from the north. The Highways Agency administers use of the A49, and stated that there was no objection to the development in principle, but a full re-assessment of the Gamber entrance, and possibly physical amendments, would be required before any additional use of that access could be supported. The applicant stated that for the small number of occasions anticipated, this would not be cost-effective. The A49 access is used daily by HGVs in connection with Gamber Produce Ltd. The only alternative would be using the southern access drive exclusively, which would also avoid any vehicles accessing the AD plant having to negotiate the haulage yard. Deliveries to the AD plant would be agricultural in nature and indistinguishable from farm traffic generally. As the farm holding covers a wide area and several farms, its produce is already moved by road on a regular basis. The application includes a transport statement and further clarification has been received since submission.
- 6.17 Table 7.1 (page 41 of the revised supporting statement) shows a total annual feedstock of approximately 13,000 tonnes indicatively comprising 3,000 tonnes of poultry litter, 9,000 tonnes of energy crops (chiefly beet and maize) and 1,000 tonnes of vegetable waste. There would be a further 4,000 tonnes of solid digestate going out from site. In total these are estimated by the applicant to represent 1500 journeys per year, which must be doubled up to account for return journeys although not all would be empties. However, further comments are offered in the application as mitigation, as follows:
- No net increase in manure movements as the poultry litter is already moved on the road;
 - Vegetable waste currently trucked out would be kept on site for the AD plant and therefore would be 100 loads a year fewer;
 - Energy crops would be grown on existing arable land already subject to husbandry and harvesting movements, so no change to existing patterns.
 - Liquid digestate would be used for irrigation via pipeline and not transported by road.
 - Some of the projected 1500 movements would be offset by a reduction in (or overlap with) existing farm movements.
 - The estimates use 10 tonnes per load as a baseline. This is a minimum and a proportion of trips would carry more, thus reducing trips overall. The calculations are thus a 'worst case' scenario.
- 6.18 Letters have been received about projected vehicle movements in particular. As far as it is possible, the applicant has separated movements exclusively related to the AD plant from normal farming activities. Some transport movements overlap with (and must be offset against) existing farm activities because poultry litter and crops are already being regularly moved on the highway network. Movement of crops is seasonal and not undertaken year-round. Table 7.2 (also page 41) illustrates indicative movement patterns and is reproduced here for clarity:

Material	Peak vehicle numbers (and trips) per day	Comments (applicant)
Poultry litter	1(2)	Stored off-site at production source and shipped in daily at a set rate, not stockpiled
Beet crop	2 (4)	Harvested over a 6 month period, trickle-delivered daily and not stockpiled
Maize	14 (28)	Harvested over a 5 week period, stored on site in silage clamp
solid digestate out-going	1 – 2 (max 4)	Transferred out daily/weekly throughout the

Further information on the subject of this report is available from Debby Klein on 01432 260136

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The above table indicates a low level of highway movement overall. It highlights that the key impact would be the maize harvest, concentrated into 5 weeks or so, with the crop stored in the proposed silage clamp on site. Beet harvesting would be spread out over six months from Autumn to Spring, with crops brought to site for direct feed to the digester with little on-site storage. The applicant has pointed out that the energy crops would be grown within the holding as an alternative to existing arable crops and potatoes. Potatoes in particular generate large numbers of traffic movements due to regular spraying during the growing season and a very concentrated harvesting period. The application states: 'The energy crops are sourced from the applicant's own farm and would make minimal contribution to road movements due to short travel distances. These crops displace existing crops, all of which have an off-site transport requirement. Retention of crops will in some cases lead to a reduction of movements compared to current'.

- 6.19 The NPPF requires local planning authorities to promote agricultural diversification and not to stifle or restrict rural business. Paragraph 28 in particular requires the planning system to 'support sustainable growth and expansion of all types of business and enterprise in rural areas'. The roads converging on St Owen's Cross are busy and witness numerous accidents despite speed restrictions being imposed. However no evidence has been found suggesting accidents are predominantly connected with farm vehicles in general, or Little Pengethley in particular. There is no footway along the B4521, and residents living on this road find it increasingly difficult to get out on foot, including school movements. The Highway Authority is aware of the problems and options are under consideration. A public footpath runs north from near St Owen's Cross up to the A49 near the Gamber entrance, its route going through the Gamber yard. It is not affected by this application, but discussions are under way with regard to a possible formal diversion of the path away from the applicant's farm activities, to enable local people to reach the bus stop on the A49 more quickly and safely than along the road. This has no impact on this particular application, but could provide future improvement for the local community.
- 6.20 Vehicle movements specifically connected with the AD plant need to be viewed in the relative context of an already busy farming enterprise including the Gamber Produce packing station. The applicant has asserted that actual vehicle numbers would not change significantly, although movement patterns would vary at certain times, with some reductions likely and some seasonal increases. He is aware of the existing highway issues and is willing to engage in dialogue. The Transport Manager has accepted the submitted figures, recommending a requirement for a Traffic Management Plan. If deemed necessary this could entail some improvements to visibility at the junction of the access road with the B4521. The requirements of UDP policies DR3 and T8 would therefore be met.

Water, flood risk and run-off

- 6.21 The application site lies within Flood Zone 1 (lowest risk, suitable for any development). The operational AD plant area is less than 1 hectare, but the overall area including the yard and silage clamps would be approximately 1.2 hectares. For Zone 1 sites of this size, a Flood Risk Assessment (FRA) is required under Environment Agency guidance and the National Planning Policy Framework (NPPF). The NPPF came into force during the time this proposal has been under consideration. The applicant provided a FRA once its requirement became clear, and the Environment Agency advised that the entire AD site would need to be on an impermeable surface. The FRA found that little surface water run-off is generated towards the site due to the shallow gradient at that point. However, the land slopes to the south-east towards the Luke Brook as it starts its journey south to the Wye. This watercourse is understood to have flooded in recent years, affecting properties on the B4521 nearby. The new impermeable surfacing would generate additional surface water run-off and peak storm flow rates. Acknowledging the risk to the Luke Brook, the application proposes a surface water drainage

strategy in the form of a Sustainable Urban Drainage Solution (SUDS). This would comprise designed drainage for the site, leading to a new detention basin (swale) on adjoining land to the north-east. The basin would be dry for most of the time, only filling during rainfall events, enabling efficient management of surface water from the application site. It would not be a permanent lagoon.

6.22 Rainwater would be captured on site within the bund, and pumped to one or more of the following:

- The digestion tanks
- The reception pit for feedstock mixing prior to entering the digester;
- Into an existing irrigation lagoon
- Finally any surplus would go to the detention basin

The FRA demonstrates the capacity of this system under a series of scenarios ranging from a 1-in-1 year event to a 1-in-100 year storm, plus 20% for climate change. The detention basin or swale would accommodate the run-off, anticipating up to 30cm of water depth in the more frequent occasions, and up to 50 cm depth in extreme events. Final overflow would eventually discharge to the Luke Brook but at a managed rate to prevent flooding of properties from that particular source. The Environment Agency has no objections and the proposed SUDS can be secured by planning condition as the land is adjoining and in the applicant's ownership. The requirements of UDP policies S1, S2, DR2, DR3 and DR7 can be met.

6.23 With regard to a local aquifer, there are no known boreholes within 250 metres of the site. Assurances have been provided by the applicant confirming that all equipment would meet relevant standards to protect groundwater. A leak detection system would be built-in as standard, to provide adequate monitoring of tank performance. These matters would be regulated by the Environment Agency, which is satisfied that the appropriate standards can be met, in accordance with UDP policy DR4.

Odour

6.24 Anaerobic digestion is a sealed process and the plant itself is not subject to odour issues. However some aspects of transfer and storage can lead to odours, and these require adequate management. Large-scale digesters associated with municipal waste treatment, involving food waste from supermarkets and restaurants etc, can sometimes create temporary odour problems relate to handling or air scrubbing equipment, particularly where de-packaging takes place. This is not relevant to the Little Pengethley site as no such process would occur and all the feedstock would be farm-based.

6.25 The application includes an odour assessment which identifies and evaluates local receptors which might be affected, but finds in every case a 'low' or 'very low' risk. In this case, any odours generated would be of a normal agricultural nature; the application includes mitigation as follows:

- All tanks and infrastructure would be sealed units;
- Poultry litter would not be stored on-site but would be brought in for direct loading into the digester on a need basis;
- Litter would only be transported in sheeted or sealed vehicles;
- The AD process removes about 80% of the ammonia content of manure;
- No gas would be vented to atmosphere prior to combustion in the CHP unit;
- Energy crop feedstock would be conventionally stored as for existing silage;
- When spread on land as a fertiliser, digestate has considerably less odour than raw manure, and represents an odour reduction;

6.26 The EA would regulate the site through its Environmental Permit (EP), including a requirement for an odour management plan, provision of which is also recommended in a planning condition. It is accepted there would be an overall net benefit in terms of odour management and no conflict with UDP policies DR4 and DR9.

Noise

- 6.27 The AD process is not noisy as it is biological and enclosed within the tanks. The gas engine (CHP unit) is the key noise source, but would be housed in an insulated enclosure unit. Noise is also associated with operational movements within the site and from vehicles. The application includes a noise assessment (Noise & Vibration Consultants Ltd, 23 February 2012). The report identifies six nearest receptors at a selection of directions from the plant. These vary from 230 metres to 600 metres distance. Baseline background noise levels were established, observing that these are dominated by local busy roads. The assessment found average daytime background levels at nearest property boundaries to range from 37dB(A) to 42 dB(A) L90 and at night time typically 26-38 dB (A) L90. Daytime operational plant noise is predicted from 32 LAeq dB to a maximum of 38 LAeq dB, with night time levels between 25 and 35 respectively. The report concludes that the proposal is capable of operating within accepted noise levels of 35 decibels at receptor points and recommends mitigation to minimise noise disturbance during both construction and operational phases. Neither the Head of Environmental Health and Trading Standards nor the Environment Agency has expressed any concerns about noise. Noise would also be regulated through the Environmental Permit. Subject to the proposed mitigation scheme being secured, officers consider there would be no conflict with UDP policies S2, DR1, DR2 or DR13.

Health and Safety

- 6.28 Residents have raised safety concerns, including potential fire or explosion risks, site management, and health. A submitted copy of a Doctor's letter expresses the view that the health of a vulnerable person could be adversely affected if an AD plant were built 'on the doorstep'. The Herefordshire Primary Care Trust was consulted on the application and the letter, (treated as confidential), and has no objections. The movement of poultry litter in particular can disperse bio-aerosols, known to affect health. However, the AD process is an enclosed wet operation and does not generate such particles. Environment Agency advice is that bio-aerosols are relatively heavy and drop to ground at about 250 metres distance from, say, composting sites. The property mentioned in the letter is located 350 metres from the application site, at which distance bio-aerosol levels would be normal. The application states poultry litter would not be stored on site; similar material is already being moved around by a number of farmers in the locality. Dry digestate is spread on fields as fertiliser, but many of the chemical compounds present in the raw material are removed by the AD process and represent less of a risk than spreading raw manure as currently undertaken. Neither the Head of Environmental Health and Trading Standards nor the Environment Agency has expressed any concerns about health. On health issues, officers consider there would be no conflict with UDP policies S2, DR1, DR2 or DR4
- 6.29 On request, the appointed engineer provided a comprehensive safety overview. This explains the safety precautions built into the proposal, in terms of biogas storage and operational details. A gas flare is included in the proposal. These are essential to any installation, but are only ever used on very rare occasions, for example if a tank needed to be voided of gas for any reason. Day-to-day operation of the plant does not require teams of skilled workers as the process is predominantly automated by computer programmes. CHP units resemble biomass boilers and are becoming common at many industrial and agricultural establishments. There are no concerns about safety, and the Environment Agency would regulate the safe operation of the site through an Environmental Permit
- 6.30 Objectors have drawn attention to the proximity of high pressure mains in the vicinity. National Grid was consulted, and has no concerns with regard to the location of the proposed plant or to any associated vehicles on the road under which the mains passes.

Air Quality, Pollution prevention

Further information on the subject of this report is available from Debby Klein on 01432 260136

- 6.31 The applicant has given assurances that all gas would be scrubbed to a set environmental standard before entering the CHP unit engine. Exhaust gases would be monitored and controlled within statutory requirements, and regulated by the Environment Agency through an Environmental Permit. There is no requirement for any routine flare-off except in emergency; the flare is provided as an essential contingency. All digesters and tanks would be sealed and located within a bunded area having 110% capacity of the largest tank to accommodate an entire tank failure. Other aspects of the plant, e.g. silage clamp for crops, would be subject to normal agricultural controls. The site would be regulated by an Environmental Permit under separate legislation and the proposal is considered to be capable of compliance. The Environment Agency has confirmed it has no concerns that a Permit could not be issued. Neither the Head of Environmental Health and Trading Standards nor the Environment Agency has expressed any concerns about air quality or pollution, and there is no conflict with UDP policies S1, S2, DR1, DR4 or DR9.

Conclusion

- 6.32 Detailed discussions and negotiations have taken place with the applicant, the appointed agent, and consultees in order to find positive solutions to any matters arising. This has taken time, and has resulted in further submissions and consultation periods within which members of the public have been able to make further comments. With the additional material provided, the application covers the aspects required in order to make a proper appraisal. Whilst all the concerns and fears of residents have been considered and addressed in the light of professional consultation responses, the key issue emerging relates to roads and vehicle movements. However this is not solely or predominantly attributable to the applicant's business. The applicant has stated clearly that although patterns might change, as on any farm, overall vehicle numbers would remain stable since the produce from his farm holding is already being transported on the highway. A Traffic Management Plan would be required before commencement of this development, if approved. This and the other aspects discussed above, including surface water drainage, could be secured through planning conditions. The site has been chosen taking account of distance, practical use of generated heat, connection to the grid, visual impact, viability and amenity. The Environment Agency would be the key operational regulator for this plant, not the planning system, through the mechanism of an Environmental Permit. The Agency has no objections in terms of the proposal or its capability of being issued with a Permit. The proposal is therefore recommended for approval.

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. The external colour and finish of all parts of the development hereby approved shall be permanently maintained in accordance with details which have first been submitted to and approved in writing by the local planning authority.**

Reason: To protect the visual amenities of the area and to comply with the requirements of policy DR1 of the Herefordshire Unitary Development Plan.

- 4. Within four months of any new hard surface being constructed in connection with the development hereby permitted, the proposed Sustainable Urban Drainage Solution (SUDS) shall be constructed and implemented in accordance with the submitted 'Flood Risk Assessment and Surface Water Drainage Strategy' and the**

Further information on the subject of this report is available from Debby Klein on 01432 260136

following plans, all received on 13 September 2012:

- GRE0010/PE-RE10/SuDS 01; SuDS Design 21/8/12
- GRE0010/PE-RE10/SuDS 02: SuDS Cross Section 21/8/12
- GRE0010/PE-RE10/SP 03: AD Plan Cross Section 21/8/12

The provision of the proposed retention basin (swale) shall be incorporated into biodiversity enhancement measures as outlined in the scheme required under condition 6 below, with reference to Biodiversity Action Plan priority species and habitats.

Reason: To provide satisfactory surface water management and drainage, minimise flood risk, and improve biodiversity in accordance with policies S1, S2, DR1, DR4, NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.

5. Before the development hereby permitted begins, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the local planning authority. The TMP shall include the following in particular:

- a. Management methodology for vehicles and deliveries during construction of the plant, including working hours and routes to be used;
- b. Management methodology for vehicles and movements during operation of the plant, including working hours and routes to be used;
- c. An assessment of the existing access to the B4521 having regard to the anticipated additional use and details of any visibility improvements considered necessary;
- d. Details of the numbers, types, size and weights of all vehicles to be used in connection with the anaerobic digester;
- e. Means of ensuring all delivery drivers accessing the site are fully informed as to road conditions and their responsibilities along the delivery route;
- f. Assurances that the TMP shall remain in use throughout the life of the plant;
- g. Confirmation that no materials shall be brought to and/or treated in the anaerobic digester hereby permitted unless they have been produced within the applicant's landholding.

The TMP shall be implemented in accordance with the approved details.

Reason: To minimise the impact of vehicles in the interests of highway safety and the potential for traffic intensification in the area, and to conform with the requirements of policy DR3 of the Herefordshire Unitary Development Plan.

6. Before the development hereby permitted begins, a Landscaping and Habitat Enhancement Scheme for the site and access road shall be submitted to and approved in writing by the local planning authority. The Scheme shall include in particular:

Soft landscaping:

- a. A plan to scale 1:500 or 1:1000 showing the layout of proposed tree, hedge and seeding areas;
- b. A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant establishment;
- c. Details of specific proposals to provide or enhance wildlife habitats, including an outline of the priority species the scheme is intended to attract, having particular regard for the adopted Biodiversity Action Plan, the improvement of hedgerows and

field margins, and enabling wildlife to take advantage of the retention basin (swale) as part of the SUDS provision;
d. A management plan to ensure after-care of planting and continuity for habitats, for a specified period of at least five years;

Hard landscaping:

e. A plan to show the the position, design and materials of all site enclosures including bunding, fences etc;
f. Details of hard surfacing materials;

The scheme shall be implemented as approved and maintained for the agreed period. During this time, any trees or plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the after-care period.

Reason: To improve biodiversity and connectivity for wildlife and improve hedgerow, field margin and wetland habitats, in accordance with the requirements of policies S1, S2, S7, DR1, DR4, NC1, NC6, NC7, NC8, NC9 and CF4 of the Herefordshire Unitary Development Plan.

7. E01 Site investigation - archaeology

8. I16 Restriction of hours during construction

9. F02 Restriction on hours of delivery

10. The development hereby permitted shall not be brought into use unless or until the submitted scheme of noise mitigation and control outlined in report reference R11.1203/DRK (Noise Vibration Consultants Ltd, 23 February 2012) has been implemented in full, having particular regard for sections 7 and 8 of that report. The scheme shall continue to be implemented for the life of the development, subject to any review or amendments as may be deemed necessary in due course.

Reason: In order to protect the amenity of the occupiers of nearby properties and to comply with policies DR13 and CF4 of the Herefordshire Unitary Development Plan.

11. The development hereby permitted shall not be brought into use unless or until a comprehensive Odour and Environmental Management Plan as set out in paragraphs 5.4, 5.4.1 and 5.4.2 of the submitted Supporting Statement (edited 11 October 2012), has been submitted to and approved in writing by the local planning authority. In addition, the Plan shall include the following in particular:

a) The appointment of a named qualified and responsible person to oversee implementation of the plan;

b) Operational contingencies for dealing with any abnormal events (e.g. fire, flood, spillage);

c) Production of a working manual for staff, covering all site operations including feedstock handling, digestate handling, gas management and emergency procedures;

d) Provision of a site diary to be kept on site in which day-to-day observations and actions are recorded, including any complaints and responses. The diary shall be made available for inspection by the local authority on request at reasonable times.

The scheme shall be implemented as approved, and shall continue to be implemented for the life of the development, subject to any review or amendments as may be deemed necessary in due course.

Reason: In order to protect the amenity of the occupiers of nearby properties, to prevent pollution and to comply with policies S2, DR1, DR4, DR9, DR13 and CF4 of the Herefordshire Unitary Development Plan.

12. **Within six months of the equipment hereby approved becoming redundant, inoperative or permanently unused, the anaerobic digester and all associated infrastructure shall be removed and re-used, recycled, all materials recovered, or be finally disposed of to an appropriate licensed waste facility, in that order of preference.**

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and to safeguard the environment when the materials reach the end of their life, in accordance with policies S1, S2, DR1 and CF4 of the Herefordshire Unitary Development Plan.

13. **In connection with the development hereby permitted, no poultry litter or manure or waste shall be carried on the public highway unless it is held within a sealed or securely sheeted vehicle.**

Reason: In the interests of road safety and the amenity of the locality, and to comply with the requirements of policies S2, DR3, DR4, DR9 and T8 of the Herefordshire Unitary Development Plan.

14. **I27 Interception of surface water run off**
15. **I32 Details of floodlighting/external lighting**
16. **I30 Restriction on storage of organic wastes or silage**

Reason for Approval

1. **The proposal has been considered having particular regard to possible adverse effects from vehicle movements, noise, odour and flood risk, along with potential impacts on landscape, visual amenity and health. The principles relating to renewable energy, sustainability and carbon footprint reduction have been taken into account in light of current national policy. Anaerobic digestion is a sustainable renewable energy option for farm effluent that would otherwise be waste. Furthermore, the final residue is a valuable fertiliser from which proportions of the polluting and odorous elements have been removed by the process. Its use on land is regarded as a benefit. The need for renewable energy carries weight provided other factors can be mitigated; the site and the proposal have been assessed with this in mind. Operation of the plant would be regulated by an Environmental Permit issued by the Environment Agency, rather than through the planning system. In light of the above, the proposal is considered to accord with, or be capable of compliance with, policies S1, S2, S6, S7, S11, DR1, DR2, DR3, DR4, DR9, DR13, DR14, T6, T8, LA2, LA6, NC1, NC6, NC8, NC9, ARCH1, ARCH6 and CF4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework, with particular (but not exclusive) reference to paragraphs 28, 93, 97 98, 186, 187, 196 and 197. The local planning authority has engaged in pro-active and positive negotiation with the applicant, in identifying matters of concern, obtaining further details and clarification as required, and considering proposals offered to address points raised by respondents. As a result, the local planning authority has been able to grant planning permission for acceptable development subject to conditions, in favour of sustainable development as defined in the National Planning Policy framework.**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

- 3. N11C General

- 4. HN01 Mud on highway

- 5. The applicant is advised to contact the case officer when preparing the details required in addressing the above conditions, to enable liaison with and advice from other departments prior to submission.

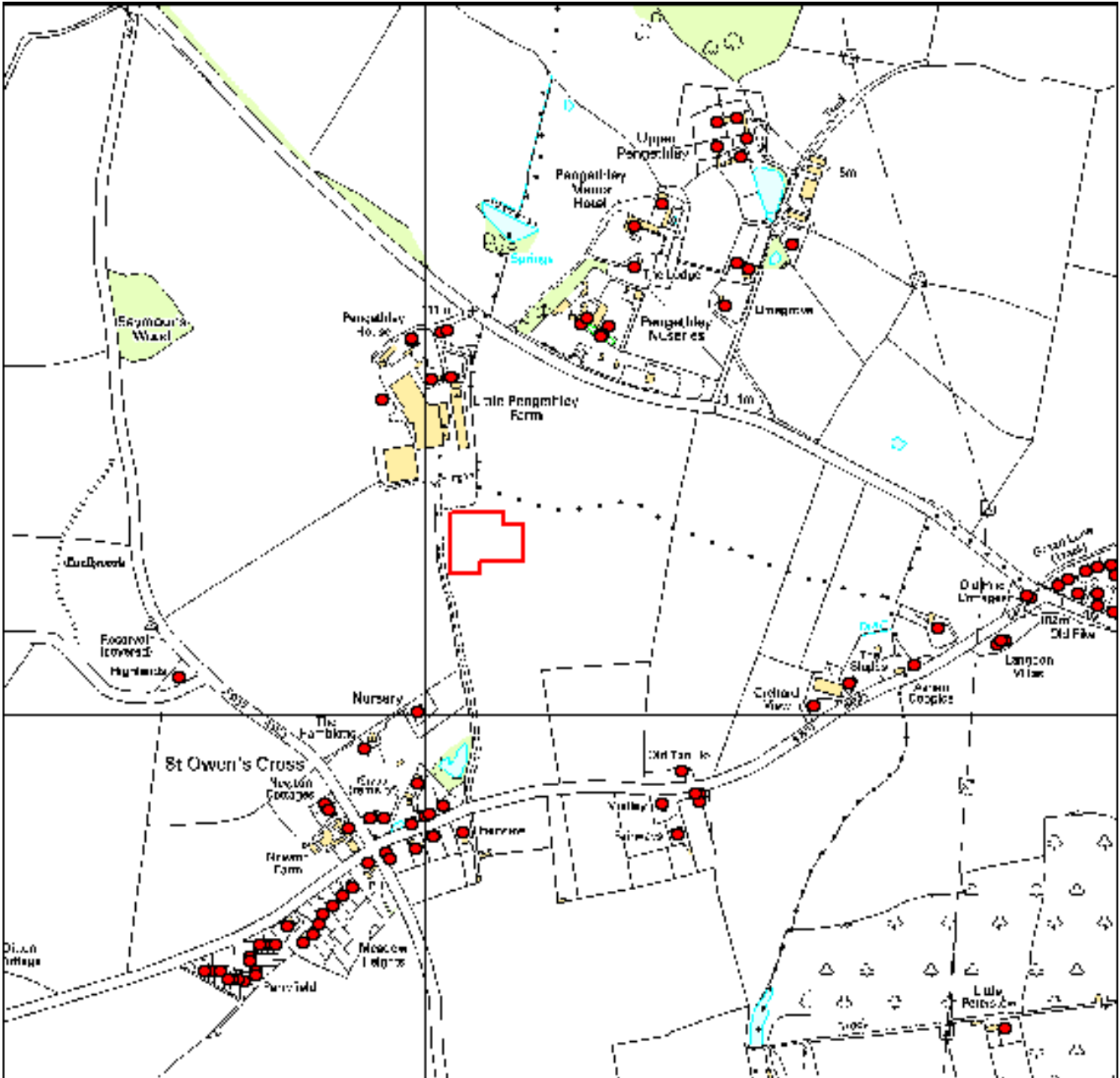
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121357/N

SITE ADDRESS : LITTLE PENGETHLEY FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6NB

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Further information on the subject of this report is available from Debby Klein on 01432 260136



MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	<p>S122820/CD - NEW ARCHIVE AND RECORDS CENTRE FOR HEREFORDSHIRE COUNCIL INCLUDING REPOSITORIES, CONSERVATION ROOMS, STAFF OFFICES, EDUCATION SPACES, SEARCH ROOM AND EXHIBITION SPACE TO ENABLE MEMBERS OF THE PUBLIC TO VIEW ARTEFACTS. AT LAND AT FIR TREE LANE, ROTHERWAS, HEREFORDSHIRE.</p> <p>For: Mrs Lane per Mr Mark Barry, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122820&NoSearch=True

Date Received: 8 October 2012

Ward: Hollington

Grid Ref: 352928,238052

Expiry Date: 23 January 2013

Local Members: Councillor P Sinclair-Knipe

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of a county archive and records centre on land at the junction of Fir Tree Lane and the B4399 Straight Mile Road, Rotherwas, Hereford. The site occupies a prominent location within the Rotherwas Industrial Estate and is allocated for Class B development under Policy E1 of the Unitary Development Plan. The site also falls within the Rotherwas Enterprise Zone.
- 1.2 The building is intended to provide a bespoke energy efficient and publicly accessible solution to the current disparate and unsuitable archive and records storage in the county. A National Archives review of the county's existing stores has confirmed that current provision is not in accordance with the current British Standard, suffering from inadequate space and climate control. If not rectified the archive would have to be stored outside the county.
- 1.3 As part of the Council's accommodation strategy the building is multi-purpose and designed to accommodate a number of uses considered complementary to the archive storage function, including archaeology, the biological records centre (BRC), sites and monuments records (SMR) and local studies records.
- 1.4 The site was part of the Rotherwas munitions factory, but buildings have long since been demolished and the site is now largely overgrown. The Evans Easy-space building is located to the immediate east, with Straight Mile Road bounding the site to the south. Fir Tree Lane, from which vehicular access is proposed, runs parallel with the western boundary. Existing commercial buildings are found to the north and further to the west. The River Wye Special Area of Conservation (SAC) is 700m to the north. The site, following flood alleviation work (S112395/CD) has been reclassified as falling within Flood Zone 2 – medium risk zone.

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

- 1.5 The building is designed to 'Passivhaus' standards, which aim to reduce space heating requirements by up to 90% by comparison with adopted Building Regulations. The building comprises two distinct components, linked by the public entrance and provides 3,000sqm of accommodation. To the rear is the three storey archive repository. To the south is the 'front of house' building. This is a two-storey structure with a prominent frontage to Straight Mile Road. On the ground floor of this element there is the reception, search area, reference material and education room. The first floor provides office space for the SMR, Archaeology and BRC. Storage, processing and cycle parking for the resident staff is provided via a detached single-storey building set back from the main façade, running parallel with the eastern boundary. The repository element is three-storey and thus taller than the front of house element. It is 13.3m tall and clad with cedar shingles. The front of house offices are clad principally with render and horizontally hung timber cladding, with glazing recessed and shielded so as to prevent over-heating. It is 9.6m tall and 43m wide on its south-facing elevation
- 1.6 Visitor and volunteer parking comprising 45 spaces in total is located to the west of the building, with dedicated staff parking to the north and east. Storm water attenuation is provided by proposed swales to the west, south and east of the building. The principal pedestrian access is from Straight Mile Road at the south-west corner of the site, where a timber bridge is proposed across the depression formed by the swale. The application is accompanied by a detailed landscaping scheme which confirms the retention of all existing trees on site with supplementary native tree planting at the pedestrian access, orchard planting to the north of the building and marginal planting elsewhere.
- 1.7 The application is accompanied by the following documents:
- Design and Access Statement;
 - Site Specific Flood Risk Assessment;
 - Phase 1 Ecological Habitat Survey;
 - Drainage Assessment;
 - Rotherwas Futures Phase 1 & 2 Transport Assessment.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007 (Saved policies)

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
DR10	-	Contaminated land
E1	-	Rotherwas industrial estate
E5	-	Safeguarding employment land and buildings
E8	-	Design standards for employment sites
T6	-	Walking
T7	-	Cycling
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	biodiversity and development
NC5	-	European and nationally protected species
CF5	-	New community facilities

2.2 National Planning Policy Framework:

- Paragraph 14 - Presumption in Favour of Sustainable Development
- Paragraph 17 - Core Planning Principles
- Chapter 7 - Requiring Good Design
- Chapter 8 - Promoting Healthy Communities

2.3 Rotherwas Futures Drainage and Flood Management Strategy 2009

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 S112395/CD: Construction of a flood attenuation scheme comprising soakaway pond and associated lower scrape area, 3 no. balancing ponds and shallow swales: Approved 14th December 2011
- 3.2 S111601/F: Construction of a shared footway/cycleway from Outfall Works Road through Rotherwas Industrial Estate to the B4399 at Sink Green Farm, including a new bridge over the River Wye: Approved 31st August 2011.
- 3.3 CE091593/CD: New highway, cycleway and associated drainage infrastructure off Vincent Carey Road to serve future allocated employment land (Rotherwas Futures Phase 3): Approved 11th November 2009
- 3.4 DCCE2008/2973/F: Proposed demolition of existing ammunitions bunkers and change of use of land for mixed B1, B2 and B8 employment use comprising phases 1 & 2 of Rotherwas Futures, along with highway and drainage infrastructure for phase 2. Approved 18th November 2010.

4. Consultation Summary

- 4.1 Environment Agency: No objection.
The site is now within Flood Zone 2, where the annual probability of flooding from river sources is between 1 in 100 and 1 in 1000 years. Access to and from the site may be cut off in a flood event and a flood evacuation management plan should be required via planning condition. A condition to deal with unexpected contamination during the construction phase is also recommended.
- 4.2 Welsh Water: Recommend conditions to prevent the discharge of surface water and land drainage run-off to the public sewerage system.

Internal Consultations

- 4.3 Conservation Manager (Ecology): No objection. The findings of the ecologist's report in relation to habitat provision and landscaping should be followed.
- 4.4 Traffic Manager: No objection. The site formed part of the Rotherwas Futures proposals and the impact of traffic generated over that much larger site have already been assessed and approved. Parking provision is consistent with standard and informed by existing levels of use across the intended occupants.
- 4.5 Land Drainage Engineer: No objections

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

5. Representations

5.1 Dinedor Parish Council: Objection

The proposal is contrary to UDP policy E5. The Enterprise Zone designation is intended to bring new employment opportunities into Herefordshire. This proposal would set a precedent for local businesses to relocate to prime sites on the Enterprise Zone. Flood risk and the generation of non-employment traffic within the Enterprise Zone are other areas of concern.

5.2 Lower Bullingham Parish Council (adjoining): No objection

5.3 Three letters of support have been received. The content is summarised as follows:

- The existing archive storage facility at Harold Street is too small, costly to maintain and not to the requisite National Archive standard in terms of size and environmental controls;
- This bespoke building will safeguard the county archive, which would otherwise be relocated outside of the county;
- The building is an exemplar of energy efficient, sustainable design and will create an excellent environment for users;
- Potential flooding issues have been resolved, there is no impact on adjoining amenity and car parking levels are satisfactory;
- The building offers the opportunity to co-locate other complementary council services.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The application is for the erection of a purpose built county and archive records store, together with accommodation provision for complementary services on land allocated for employment use and within the Enterprise Zone at Fir Tree Lane, Rotherwas. The existing provision is considered sub-standard and the application clarifies that if deficiencies are not rectified, the county archive is likely to be relocated out of county. The application documents describe a long process of consultation with stakeholders that has concluded that the application site is best suited to meet the long-term needs. The site is within Council ownership and capable of being developed in a manner that meets the requisite National Archive standard. The need for such a facility and the benefits of retaining it in county are thus acknowledged. The remaining key issues in the determination of this application are as follows:

- The principle of development having regard to Unitary Development Plan policies and the Enterprise Zone designation;
- As assessment of flood risk and drainage;
- Traffic impact and alternative modes of transport;
- An assessment of the building's design;
- Impacts upon ecology, landscape and residential amenity.

6.2 The application site is within the Enterprise Zone (EZ), the designation being confirmed in August 2011. Whilst the EZ designation promotes inward investment and not the relocation of existing jobs, the site is nonetheless allocated for employment use under Unitary Development Policy E1 and safeguarded for such use via Policy E5.

- 6.3 Policy E1 acts to allocate areas within the estate for Part B employment use, subject to constraints associated with their development (i.e. flooding) being overcome. The application site is part of the allocation. The dominant use within the building is as an archive store (Use Class B8) or offices falling within Use Class B1. Officers conclude that in terms of its use the proposal complies with Policies E1 and E5. Although conscious of the Parish Council objection to the principle of locating a municipal building on this site, currently adopted Unitary Development Policies do not discriminate between public and private sector investment or job creation. Whilst the Enterprise Zone designation is material, officers conclude that the policies of the Unitary Development Plan should be afforded more weight in the determination of this application. Insofar as the uses inherent in the building are concerned, they comply with Policies E1 and E5 and the principle of development at this location is considered acceptable.
- 6.4 The application also confirms that the site has been chosen following a site selection process. Other sites, including adjacent the Council's Plough Lane offices, have been discounted for reasons including availability, ownership and the inability to expand the facility if required in the future.
- 6.5 Recent flood modelling has removed the application site from the highest risk flood zone classification to the medium risk Zone 2. The proposed use is classified as less vulnerable use. The Environment Agency has no objection to the proposal. The site specific flood risk assessment confirms that floor levels within the building will be set to withstand the predicted 1 in 1000 year event, a level that provides more certainty than the levels set out in the Rotherwas Futures Drainage and Flood Management Strategy 2009. Given the sensitivity of the items to be stored, officers consider this precautionary approach, which involves a relatively modest cut and fill exercise, to be appropriate in the context. Lower lying parts of the site would still be inundated in the event of a serious flood and it is thus recommended that the applicants sign up to the Environment Agency early warning system. As per the Flood Management Strategy, a flood evacuation management plan is also recommended via condition. The scheme also promotes the use of swales within the site as a means of attenuating storm water, and this accords the wider Rotherwas drainage strategy and satisfies UDP Policy DR7 and guidance set out in the National Planning Policy Framework. Given the reduced risk of flooding, finished floor levels capable of withstanding the 1 in 1000 year event and the use of sustainable drainage systems, officers conclude that there is no undue risk of flooding and that the principle of developing the site for the use intended is acceptable.
- 6.6 The application site was subject to a wider Transport Assessment in support of the application for Rotherwas Futures Phases 1 & 2. The impact of developing a much wider area at Rotherwas has already been assessed and approved via application DCCE2008/2973/F. The trip generation associated with the proposal falls well within the accepted parameters and as such the implications for the flow of traffic on the strategic network (A49) has been accounted for. Furthermore, alternative sustainable access via the approved Connect2 shared footpath and cycleway will also be possible within a comparatively short time-frame, with work on that project under way and likely to be completed later this year. The junction with Fir Tree lane, parking provision and pedestrian access are also considered to accord with Policy DR3, which requires safe, attractive and convenient patterns of movement into, out of and across development sites.
- 6.6 The building, which would serve not only as a municipal repository but as a publicly accessible resource, is designed to meet Passivhaus standards in terms of its energy efficiency. The south-facing orientation of the front of house element and use of significant amounts of glazing therein increases the capacity to utilise passive solar gain. In the winter, energy efficient boilers, triple glazing, heat recovery and low temperature radiators will ensure a suitable ambient temperature. In this manner the building will be designed to perform to the highest standards in terms of energy efficiency. In this regard it should act as a stimulus for other development locally and a template for the future development of the Enterprise Zone. The

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

building design therefore achieves one of the government's over-arching ambitions for good quality, sustainably designed architecture that is capable of leading to an increased standard of design locally.

- 6.7 It is also evident that careful consideration has been given to the landscaping of the remainder of the site, particularly with a view to creating an environment that is visually attractive, but also capable of sustaining wildlife. The Council's Ecologist commends the landscaping proposals and the decision to incorporate opportunities for nesting birds. All existing trees on site, which are limited to the south-west corner, will be retained and protected during construction and supplemented with further native coppice planting around the principal pedestrian entrance. The landscaping is well considered and in accordance with UDP Policies LA5 and LA6. Whilst no European Protected Species were present on site at the time of the ecology survey, the consultant ecologist recommends the phased removal of the existing vegetation under qualified supervision in order that presence of any nesting birds can be managed. This, allied to the habitat enhancement measures outlined above combine to satisfy the requirements of UDP policies NC1, NC6, NC7, NC8 and NC9.
- 6.8 In conclusion the development is for Class B employment uses upon allocated employment land. The proposal is thus in accordance with UDP Policies E1 and E5. The design of the building is to the highest standards of energy efficiency, with architecture capable of realising an improvement to future standards of design locally. This accords with the government guidance set out in the National Planning Policy Framework.
- 6.9 The need for the facility is established and the development would result in a good quality, multi-purpose publicly accessible resource in accordance with UDP Policy CF5.
- 6.10 The use is not inherently noisy and involves no industrial processes. There are thus no adverse implications for the residents of the Firemans' Quarters to the north-west.
- 6.11 Safe and convenient access is possible by a variety of transport modes. The completion of the Connect2 shared cycle/footway in 2013 will aid accessibility by residents/staff who reside north of the river.
- 6.12 Setting the finished floor level at 50.97mAOD will safeguard the building from inundation. Sustainable urban drainage is designed to attenuate storm water run-off in a manner that will not create issues elsewhere.

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. L01 Foul/surface water drainage**
- 4. L02 No surface water to connect to public system**
- 5. L03 No drainage run-off to public system**
- 6. G11 Landscaping scheme - implementation**
- 7. The recommendations set out in the ecologist's report dated May 2012 should be followed. Prior to commencement of the development, a full working method statement and habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species

Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan

- 8. **M06 Finished floor levels**
- 9. **H13 Access, turning area and parking**
- 10. **H21 Wheel washing**
- 11. **H27 Parking for site operatives**
- 12. **H29 Secure covered cycle parking provision**
- 13. **Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.**

Reason: To minimise danger to people in the flood risk area in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within the PPS 25 Practice Guide.

Reasons for Approval

- 1. **The application has been considered having regard to Unitary Development Plan policies S1, S2, DR1, DR2, DR3, DR4, DR7, DR10, E1, E5, E8, T6, T7, LA5, LA6, NC1, NC5 and CF5. Guidance laid out in the National Planning Policy Framework 2012 has also been considered, alongside the Rotherwas Futures Drainage and Flood Management Strategy 2009.**

The local planning authority concludes that the proposed archive store complies with Unitary Development Plan Policies E1 and E5 in that the primary uses within the building fall within classes B1 and B8 of the Use Classes Order 2012 (As amended). Weight has also been apportioned to the need for the facility and the site's suitability when assessed against other potential sites.

The building is an exemplar of energy efficient design that has the potential to raise the standard of design locally in accordance with the National Planning Policy Framework's aspirations and Unitary Development Plan policies S1 and DR1. Parking provision and accessibility is in accordance with Policy DR3 and the use would have no impact upon the amenity of neighbouring properties, including the former fireman's quarters to the north-west.

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against adopted planning policy and other material considerations, including representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **N11C General**

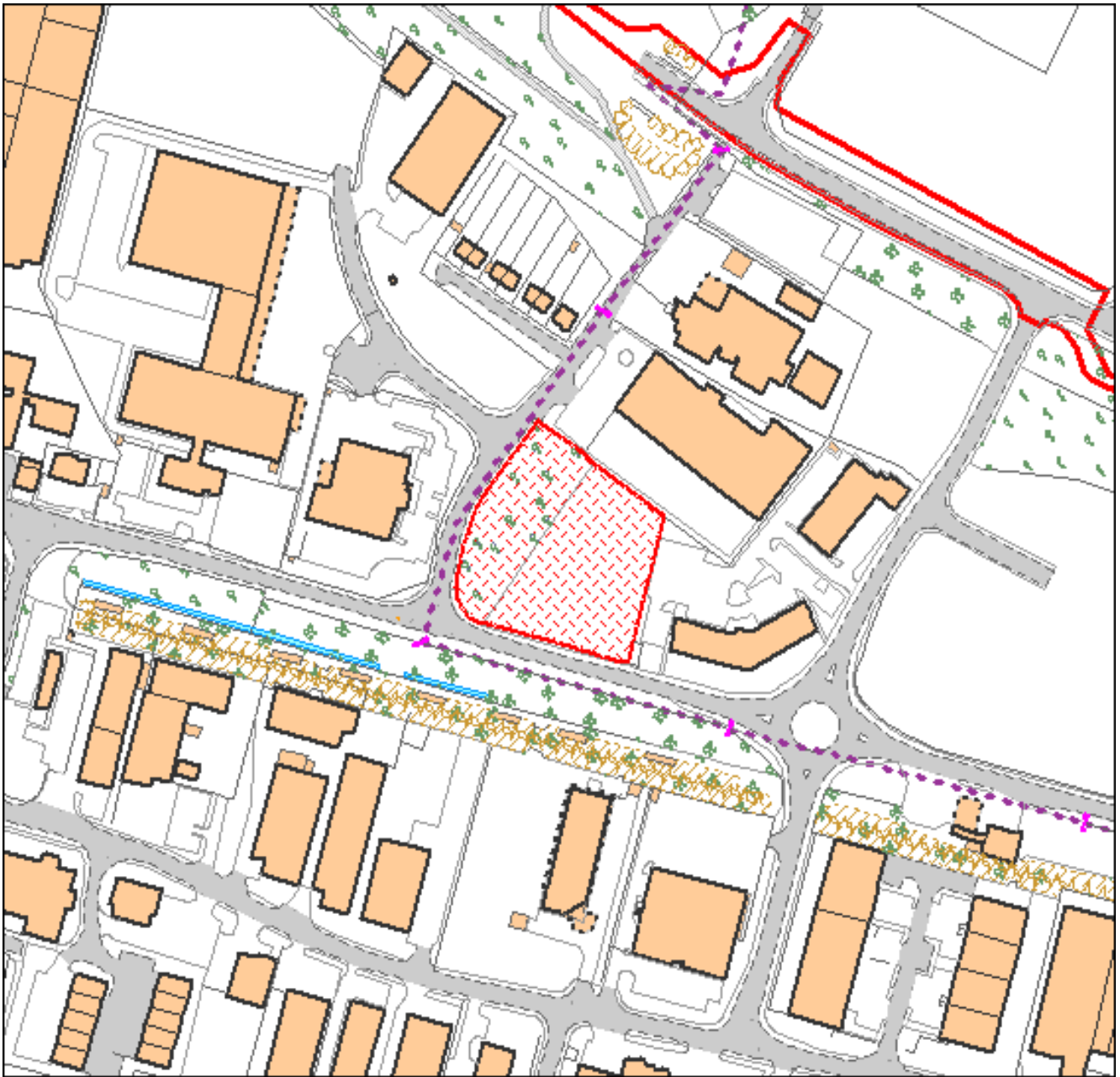
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

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



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APPLICATION NO: S/122820/CD

SITE ADDRESS : LAND AT FIR TREE LANE, ROTHERWAS, HEREFORDSHIRE

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MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	<p>S122644/F - RETENTION OF EXISTING MOBILE HOME (WITH TEMPORARY USE FOR 2 YEARS) AS ACCOMMODATION ANCILLARY TO OCCUPATION OF DWELLINGS PERMITTED BY APPROVALS DMS/113120/F & DMS/113121/F. AT MARSH FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UP.</p> <p>For: Mr Dinsdale per The Design Studio, 6 Sansome Walk, Worcester, WR1 1LH.</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122644&NoSearch=True

Date Received: 24 September 2012

Ward: Old Gore

Grid Ref: 365659,227027

Expiry Date: 19 November 2012

Local Members: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The application site is located in open countryside located between the B4221 (Hill Top) and Tanhouse Lane. Marsh Farm comprises a derelict and ruinous farmhouse. All that remains is a stone barn previously used as a cider press and part of the east wall of the farmhouse. The site is located between the B4221 and Tanhouse Lane. The former farmhouse was 2-storey T-shaped building with single storey elements that dated from the late C16 or early C17 with a cider house that was probably added in the C18. On the northwest side of the farmhouse is a threshing barn a Grade II listed building that dates from the C18 or early-C19 dates.
- 1.2 Planning permission has been granted for the rebuilding of the farmhouse (DMS/113120/F) and the conversion of the threshing barn to a single dwelling (DMS/113121/F and DMS/113123/L) . Public footpath UB22 runs to the east of the site.
- 1.3 To the north of the derelict farmhouse, close to the entrance off Tanhouse Lane are 2 modern farm buildings. Adjacent to the southernmost building is a timber clad mobile home which this application proposes to retain for the duration of building works associated with the rebuilding of the farmhouse and the conversion of the threshing barn. The mobile home is on an area of concrete that is to the southwest side of an orchard.
- 1.4 The mobile home is unauthorised and in breach of the terms of an Enforcement Notice that related to the previous occupation of it, and other mobile homes by travellers. The other mobile homes within the orchard, the hardstandings and LPG tanks associated with the use of the land by travellers have since been removed as required by the Enforcement Notice.
- 1.5 Foul drainage from the mobile home is to a septic tank that is adjacent to a pond on the north side of the farm track close to the derelict farmhouse.

2. Policies

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

2.1 Herefordshire Unitary Development Plan:

S2	-	Development Requirements
DR1	-	Land Use and Activity
H7	-	Housing in the Countryside Outside Settlements
LA2	-	Landscape Character and Areas Least Resilient to Change

2.2 National Planning Policy Framework:

Chapter 11	-	Conserving and enhancing the natural environment is considered relevant to this application.
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2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

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
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

DCSE2009/1568/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 Dismissed 16.9.2011. In conjunction with this application an Enforcement notice was served against the unauthorised use of the land for use as a travellers' site. The Enforcement Notice was upheld on appeal on 16.9.2011.
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
DMS/110942/F	Retention of farm track. Approved 29.6.2011
DMS/113120/F	Demolition of existing remains of farmhouse and attached barn and rebuild new dwelling to match existing. Approved 1.2.2012
DMS/113121/F	Conversion of redundant barn to form new residential dwelling. Approved 5.1.2012
DMS/113123/L	Conversion of redundant barn to form new residential dwelling. Approved 5.1.2012

4. Consultation Summary

Statutory consultations

4.1 None.

Internal Council advice

4.2 Traffic Manager has no objection.

4.3 Public Rights of Way Officer has no objection.

4.3 Conservation Manager – Landscape Officer: Assessing the log cabin as a single element on the site, I consider that it is muted in colour and largely viewed against the backdrop of the modern barns, from public vantage points on the footpath UB22 which crosses rising land to the south east of the appeal site. Providing that the siting of the log cabin is time limited, I consider that its retention, in its existing position would be acceptable. The log cabin on its existing site is not visible from the road; the fruit trees on its site have already been lost so moving it to another location on the site would not appear to offer any particular benefits.

5. Representations

5.1 Upton Bishop Parish Council has no objection as long as the following conditions were applied:-

1. A maximum period of 2 years (after which time a further application would need to be submitted)
2. Removal on completion of the building works (if this was under a 2 year period).

Also the Cllrs requested that the existing enforcement notice be held in abeyance for the allowed time period for the mobile home remaining on site.

5.2 18 objections have been received. In summary it is said:

- The description of the site location is incorrect. The site is not within a group of existing farm buildings; it is in a protected historic orchard in which according to Herefordshire's Unitary Development Plan no development is permitted.
- The location is within the site subject to the Enforcement Notice and covered by the Planning Appeal decision of 16 September 2011 requiring all cabins and hardstanding to be removed from the orchard by 16 June 2012. The cabin breaches the Enforcement Notice.
- The land registry does not record Mr Dinsdale as owner of Marsh Farm. Mr Maguire and Mr Tapsell are still recorded as the owners. They made a similar application in 2007/8 for a cabin for occupation while they renovated the then listed farmhouse and converted the threshing barn. This was refused in 2008.
- To maintain a consistent approach this should be the decision this time too.
- It was announced at the May 2012 auction that there was an enforcement order requiring the cabin (which was excluded from the auction sale particulars), be removed by 16 June 2012. The new owner knew what the position was before purchase. The purchaser now has the property back on the market. Therefore it could be repurchased by the previous owners or someone else who would find any permission for the cabin advantageous because it cuts through the Appeal decision.
- The description of the proposed development does not reflect the proposal that the cabin would be only a temporary feature. The cabin cannot be ancillary to the accommodation of a property that does not exist. There is no statement of who would use the cabin, what for and under what conditions.
- Moving the cabin to a new location outside the enforcement site would not be a problem. The access track is the main entrance to Marsh Farm. It is hard surfaced and was used to bring all the large log cabins covered by the Enforcement Notice onto the orchard via the track passed the old farmhouse from the B4221.
- The cabin can be easily seen from the public footpath that passes close to the orchard site. But it could be moved closer to the farmhouse development site where if it were moved to within the curtilage it would not need special planning permission anyway. Location nearer the replacement farmhouse building site would make it part of that development with all the machinery, building materials, scaffolding and other building operations so that the cabin would not have wider visual impact.
- In the current location it is spoiling a BAP protected orchard and leading to disturbance and possible further degradation of the habitat of European protected species. These issues are part of the sustainability consideration and carry obligations for the Council to protect the site from development.
- There has been a breach of the Enforcement Notice for 4 months now. This is a criminal offence. The application must therefore be judged in light of this and the Appeal decision.
- We also urge that the enforcement take place following an appeal.
- There has been unauthorised development on this orchard site for over 3 years and, after a full planning Inquiry considering all the issues associated with the log cabins on the site, the planning inspector required that all the cabins be removed and the orchard returned to agricultural use by 16 June 2012.
- The council is the enforcing body for this decision and must ensure compliance. Otherwise it sends a message to developers that the county is weak and will not enforce the law. It is after all a criminal offence not to comply with an Enforcement Notice.
- It makes no sense for the Council, who used public monies to defend against the appeal for planning permission, now to agree that the unauthorised development can remain after all. The cost to the public purse extends beyond just the Council's costs, to include the

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

inspectorate's costs and of course the residents' costs in supporting the Council as a rule 6 party to the Inquiry.

- The apparent new owner of the site knew that there was an enforcement order covering the land he was buying, as there was a clear statement about this at the auction. The cabin was not included in the auction so there is clear intent here and it is irrelevant that he has other plans for the site. He is in breach of the Notice and has been for 4 months; so he is committing a criminal offence.
- Failure to enforce creates opportunity for further disturbance to the habitat of European protected species which under European Directives, the Council has a duty to protect from development. Also the Council's local plan, the UDP, requires BAP orchards to be protected from development, as well as stating that there will be no development permitted in open countryside.
- Enforcement to ensure compliance with the Notice and the Appeal decisions is in the public interest, according to the Council's published policy.

5.3 In support of the application it is said:

- The retention of existing mobile home with temporary use for 2 years as accommodation ancillary to occupation of dwelling(s) permitted by approvals DMS/113121/F and S113120/F;
- The application relates to the need to provide temporary ancillary accommodation during the redevelopment of two dwellings at Marsh Farm; a former grade II listed farmhouse (delisted 2007), and separate threshing barn. They are accessed from a farm track and are close to the application site although they do not abut.
- The site has a complex planning history and the conduct and actions of the preceding owners resulted in enforcement action being taken by Herefordshire Council. All non-conforming development has now been removed and site restored other than this mobile home.
- The site is generally well-screened from the road and surrounding landscape. The farm buildings are situated in a depression in the landscape and the mobile home is located on hardstanding next to the farm buildings, consequently the mobile home is, in its present location, unobtrusive and not visible in any distant views or from frequently used roads and paths. Views into the site are limited to those from the main vehicular entrance gate located to the north.
- The application site is a small area of land occupied by a temporary dwelling/mobile home. The application site sits within the total area of Marsh Farm amounting to approximately 11ha; including the agricultural buildings close to the application site and the former farmhouse (now delisted) and threshing barn (listed grade II).
- These traditional buildings are slightly more prominently located than the agricultural buildings which are set in a depression in the landscape and generally well screened.

5.5 Ownership and residual enforcement matters:

- In June 2012, the applicant (Mr B J Dinsdale) became the owner of the buildings and land at Marsh Farm as outlined on drawing 1214/010 in the application pack. At that date two elements of unauthorised development remained to be removed from site:
- The mobile home which is the subject of this application for temporary retention
- Underground LPG tanks.
- The LPG tanks have since been removed.

- Mr Dinsdale has provided full documentary evidence that he is the freehold owner of the property. He has made it clear, by his actions, that he is intent on implementing the approved permissions in compliance with the approved plans and in accord with all relevant requirements of the Council. He is also wholly independent of the previous owners whose actions were responsible for the troublesome planning history.
- Immediately upon the acquisition of the property in June 2012 Mr Dinsdale became aware of pressure placed upon Herefordshire Council to pursue a prosecution for non-compliance with the enforcement action, notwithstanding that he, Mr Dinsdale, was not responsible for, the unauthorised development and use of the land prior to his ownership.
- As Mr Dinsdale has gone to considerable lengths to demonstrate good faith in his intentions to develop legally, and has cooperated fully with the LPA in finding ways to resolve the residual enforcement issues, any prosecution could not be justified as being in the public interest.
- For the same reason, this application deserves to be considered on its merits untainted by a planning history for which the applicant was not responsible.

5.5 Justification for non-relocation:

- It has been accepted in discussions with officers of Herefordshire Council that the mobile home could be relocated to sit within or abutting the curtilage of the approved dwellings (S113120/F and DMS/113121/F), and that this would satisfy the enforcement requirement to remove the mobile-home and, as temporary structures within the development site(s), not require permission.
- However, the development sites are restricted in area. As is justified in the following sections of this Statement, it is apparent from inspection of the setting and opportunities to locate the mobile home other than in its present location, including consideration of visual impact, that a relocation of the unit to be close to the development sites would place the unit in a much more prominent location than the present.
- Furthermore, relocation would require the construction of a concrete or similar base and installation of temporary servicing (water, drainage), this would be an inappropriate use of materials, generate unnecessary waste (upon removal) and merely add to the cost of the works without any positive benefit to the landscape or securing any planning benefit.

5.6 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 This application is for the temporary retention of a timber clad mobile home for residential occupation during building works at Marsh Farm.

6.2 The mobile home formed part of an application to retain it and a further 4 to be sited on an orchard to the east. It is also subject to an Enforcement Notice. There were 4 mobile homes on the site at the time of the appeals and whilst 3 of the mobile homes have been removed the mobile home adjacent to the farm building remains and is subject of this application. The application seeks to retain the mobile home for a period of 2 years with an undertaking from the applicant that the mobile home will be removed upon completion of the building works required to implement applications for the renovation of the farmhouse (DMS113120/F) and the conversion of the redundant threshing barn (DMS113121/F and DMS113123/L). In normal circumstances subject to other policies, the principle of such a proposal would be acceptable.

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

However, a material consideration in this case is that the Enforcement Notice required the mobile home to be removed from the site by 16 June 2012.

- 6.3 The mobile home is drained to an existing sewerage treatment plant that is located to the north of the farmhouse close to a pond. It is understood that the treatment plant was installed by the previous owner of the site and was designed to serve the 4 mobile homes that previously existed. The sewerage treatment plant should have planning permission as well as Building Regulations approval, which it does not. Also, as the treatment plant was installed to serve 4 mobile homes consent from the Environment Agency is required. It is understood that there is no consent from the Environment Agency. Officers are seeking further clarification from the applicant as to the type of treatment plant that has been installed and whether it complies with all necessary regulations and an update will be given at Planning Committee. However notwithstanding this, it is considered that this matter can be satisfactorily addressed by a time limited condition requiring the submission of details of the plant.
- 6.4 With regard to landscape impact the Conservation Manager advises that following the dismissal of the appeal, the context of the site has changed in that all elements apart from the mobile home have been removed from the site. In this context, considering the mobile home as a single element on the site, it has a muted colour, and is largely viewed against the backdrop of the modern barns from public vantage points on the footpath UB22 which crosses rising land to the south east of the site. It is considered that provided the siting of the log cabin is time limited, its retention in its current position would be acceptable with its presence having a minimal visual impact on the landscape. Furthermore, in response to one of the concerns raised locally, the mobile home does not encroach into the adjoining orchard. It is on an area of concrete that is to the southwest of the orchard.
- 6.5 Objections to this application have raised the matter of ownership of the site. The applicant has stated that he is the owner of all the land to which the application relates and has signed Certificate A under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 to this effect. The applicant's solicitor has also confirmed that as of 7 June 2012 his client is the owner of the site. However, objections to this application have challenged this statement with Land Registry which identifies that title remains with Mr and Mrs B Tapsall and Mr and Mrs T Maguire. Your officers have contacted Land Registry in this matter who comment "The land has not been registered and therefore not transferred with Land Registry. We have a pending search for a purchase to Mr and Mrs Dinsdale which would indicate an application is on its way, however the application has not been received yet." As a consequence of the reply from Land Registry officers have no basis to question the applicant's statement with regard to land ownership and therefore consider the application is valid.
- 6.6 Notwithstanding the objections that have been received to this application, the application is not for the permanent retention of the mobile home as living accommodation which would conflict with policy H7: *Housing in the countryside outside settlements*. It is to provide temporary living accommodation for a limited time period of 2 years during building works at Marsh Farm or upon completion of those works whichever is the soonest. The applicant is agreeable to this by way of a planning condition. As there is no alternative habitable accommodation available at Marsh Farm for the applicant to reside in during building works it is considered that the retention of the mobile home for a relatively short period of time so that he can live on site while building works are undertaken is not unreasonable. This coupled with the limited visual impact associated with its current location is such that the granting of temporary permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The mobile home hereby permitted shall be permanently removed from the site within 2 years of the date of this permission or upon completion of the development permitted under planning permissions DMS/113121/F and S113120/F whichever is the shorter period.

Reason: The local planning authority is only prepared to grant planning permission in this location on a temporary basis until the completion of building works having regard to policy H7 of the Herefordshire Unitary Development Plan.

- 2. Prior to the first occupation of the mobile home hereby approved, full details of the sewage treatment package serving the mobile home will be submitted to and approved in writing by the local planning authority. The approved system will be maintained for the duration of the siting of the mobile home and shall thereafter be removed in perpetuity.

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

Reason for Approval

- 1. In reaching this decision the local planning authority had regard for the need of temporary accommodation during building works permitted by planning permissions DMS113120/F, DMS/113121/F and DMS/113123/L. Furthermore, regard was had to landscape impact associated with the retention of the mobile home and it was considered that due to its muted colour and proximity to existing modern agricultural buildings barns that there would be minimal landscape harm. The proposal therefore complies policies S2, DR1, DR2, H7 and LA2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

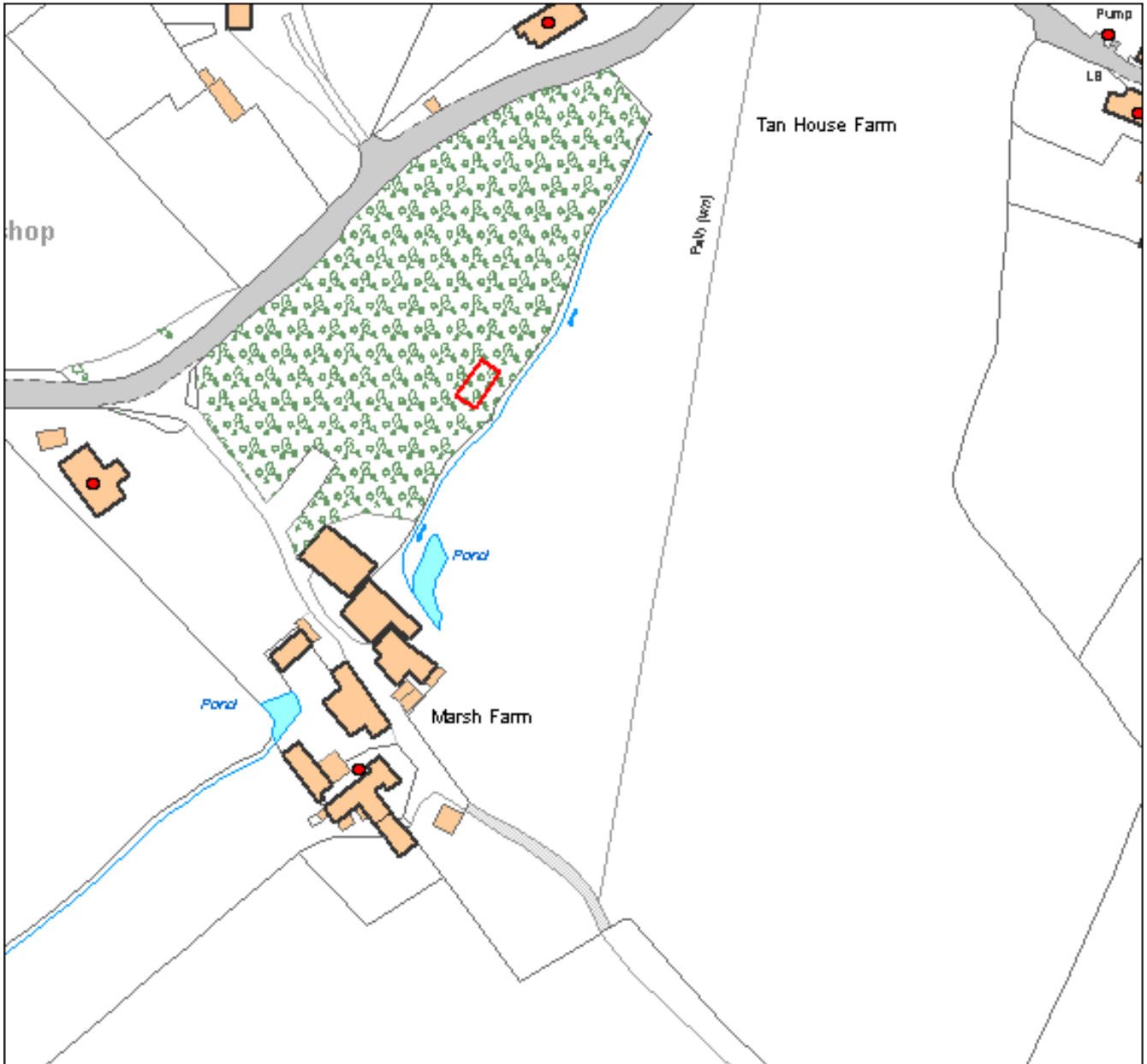
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/122644/F

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

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



MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	<p>S122498/F - PROPOSED REMOVAL OF CONDITION 8 OF PLANNING PERMISSION DCSE2008/2536/F (CONVERSION OF OUTBUILDINGS TO AN ATTACHED ANNEXE AND PROPOSED LINK.) - AS SEPARATE RESIDENTIAL DWELLING AT CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.</p> <p>For: Mr Warwick per Mr David Warwick, Chevenhall, Walford Road, Ross-On-Wye, Herefordshire, HR9 5PQ.</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122498&NoSearch=True

Date Received: 6 September 2012 Ward: Ross-on-Wye East Grid Ref: 359813,223469

Expiry Date: 9 November 2012

Local Members: Councillors AM Atkinson and PGH Cutter

1. Site Description and Proposal

1.1 Chevenhall is a large and imposing detached house on the east side of Walford Road, opposite its junction with Palmerston Road. White Keys is to the south and Lawford House is to the north. A wooden panel fence runs along the boundary with White Keys. There is access off Walford Road serving a parking area. The site is in the Ross-on-Wye conservation area and within the Wye Valley Area of Outstanding Natural Beauty.

1.2 In the southeast corner of the site is a rubble stone building under a slate roof that has been altered and extended to provide an annexe. The annexe is subject to the following condition which this application proposes to remove. Condition 8 of DCSE2008/2536/F, which was for the annexe conversion reads as follows:

The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Chevenhall.

Reason: It would be contrary to Policy H18 of the Herefordshire Unitary Development Plan to grant planning permission for a separate dwelling in this location.

1.3 The removal of the condition would allow for the independent occupation of the building.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design

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

DR2	-	Land Use and Activity
DR3	-	Movement
H13	-	Sustainable Residential Design
H16	-	Car Parking
HBA6	-	New Development within Conservation Areas
LA1	-	Areas of Outstanding Natural Beauty

2.2 National Planning Policy Framework: Paragraph 50 gives consideration to the delivery of a wide choice of high quality homes, wider opportunities for home ownership and creation of sustainable communities.

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 SE2001/1703/F Conversion of outbuilding to an annexe. Approved 12.12.2001;

3.2 DCSE2004/1971/F Extension. Approved 23.7.2004;

3.3 DCSE2008/2536/F Conversion of outbuilding to an attached annexe and proposed link. Approved 4.12.2008; and

3.4 DCSE0009/0983/F Conservatory to annexe. Approved 8.7.2009

4. Consultation Summary

Statutory Consultees

4.1 None

Internal Council Advice

4.2 Traffic Manager has no objection subject to suitable car parking for the 2 properties.

4.3 Conservation Manager – Historic Buildings Officer has no objection.

5. Representations

5.1 An objection has been received from Mrs J Hayes, White Keys, Walford Road, Ross-on-Wye. It is said:

- It is contrary to policy H18 of the Herefordshire Unitary Development Plan to grant planning permission for a separate dwelling in this location;
- Permission was granted for the barn to be renovated and used solely as an annexe for purposes incidental to the residential use of Chevenhall
- This means the renovated barn cannot be sold as a separate unit or used for any business purpose;
- The barn is directly behind my house and right next to the boundary fence. It is currently occupied by the applicant's elderly relative. If the barn is sold I could find a considerable deterioration to the enjoyment of my property;
- The new owner would have to share access and car park with Chevenhall.

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

- 5.2 Ross Town Council has no objection.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 Chevenhall comprises a large detached villa within substantial grounds and the subject building has an approved use as an annexe. The site lies within the identified settlement boundary of Ross-on-Wye within which there is a presumption in favour of sustainable development and in particular where residential development would be acceptable in principle, subject in particular to their impact upon the character of the area and effect on neighbouring properties.
- 6.2 In this case it is not considered that the independent use of the building would have any impact upon the character of the area which is within a Conservation Area and the Wye Valley Area of Outstanding Natural Beauty and as such the key issue is the effect that this proposal would have upon the residential amenities of the immediate neighbour. The key concern of the neighbour is a potential deterioration of the enjoyment of her property and that the removal of the condition would therefore be contrary to Policy H18. Policy H18 deals specifically with extensions and ancillary buildings so in this sense is not relevant to the consideration of this application which seeks approval for the use of the building as a detached dwelling that would be independently occupied. It does however require consideration of character and amenity issues which are considered against other more relevant policies below.
- 6.3 In reconsidering the reason for this condition it is necessary to examine what harm would result from the independent occupation of the approved annexe. It is established that the broad principle of this is supported by the NPPF and the HUDP and there are no alterations associated with the proposal that would result in any adverse effect upon the character and the appearance of the area. The subdivision of the curtilage and the provision of a separate parking area would have no discernible impact and no objection is raised by the Conservation Manager. It is therefore considered that the proposal would not conflict with Policies HBA6 and LA1 of the HUDP.
- 6.4 Having regard to the neighbours' concerns and the reason for the imposition of the condition, it is considered that there would be no change in the relationship of the building to the neighbouring property such that there would be any loss of privacy. There is a 1.8 metre close boarded fence together with established and new planting that provide adequate levels of screening. It is acknowledged that the separate occupation may lead to a modest increase in human activity and car movements within the curtilage but these would be consistent with the residential environment within which the site is located. It is considered that this activity associated with the small one bedroom unit would therefore not lead to any adverse impact upon residential amenity and as such would accord with Policies DR2 and H13 of the HUDP.
- 6.5 With regard to parking, there is a large parking area in the southeast corner of Chevenhall used by both Chevenhall and the annexe. The parking area is not formally laid out. However to ensure adequate space is available for both properties a condition is recommended that will require the submission of parking details for both properties.

RECOMMENDATION

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

That planning permission be granted subject to the following conditions:

- 1. C01 Time limit for commencement (full permission)(1 year)
- 2. B01 Development in accordance with the approved plans
- 3. Within 3 months of the date of this permission details of the proposed parking for, and the delineation of the boundary treatment of the dwelling hereby permitted and Chevenhall shall be submitted to the local planning authority for approval in writing. The submitted details shall show the consolidation of the parking spaces, drainage and demarcation of the spaces identifying the dwellings to which the parking spaces relate and the parking spaces shall be retained and kept for the parking of vehicles at all times.

Reason: To ensure adequate off street parking arrangements remain at all times and that appropriate levels of amenity are provided for both properties so as to comply with policies DR2, DR3, H13 and H16 of the Herefordshire Unitary Development Plan.

- 4. F16 No new windows in specified elevation
- 5. F14 Removal of permitted development rights

Reason for Approval

- 1. In reaching this decision the local planning authority has had particular regard to effect of the proposal upon the residential amenities of the neighbouring property and it was concluded that there would be no adverse impact having particular regard to the character of the area, the limited size of the unit and the presence of screen fencing and planting. Furthermore the independent occupation of the building would have no discernible impact upon the character of the Ross-on-Wye Conservation Area and the Wye Valley Area of Outstanding Natural Beauty and subject to conditional approval would be provided with an acceptable curtilage and off-road parking. The proposal was considered to accord with Policies S2, S7, DR1, DR2, DR3, H13, H16, HBA6 and LA1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Decision:

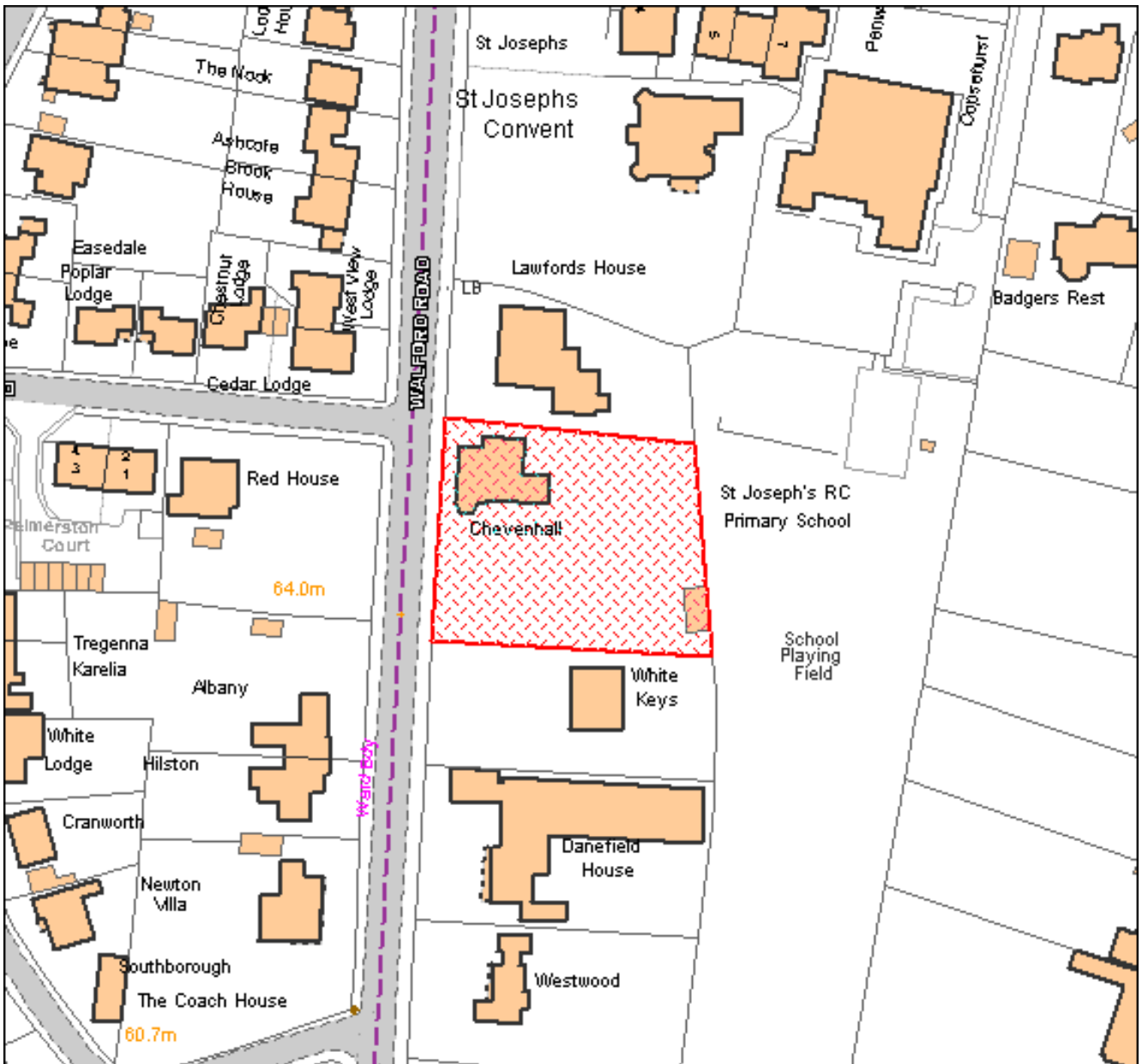
Notes:

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Background Papers

Internal departmental consultation replies.

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



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APPLICATION NO: S/122498/F

SITE ADDRESS : CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ

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MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	S122724/FH - FRONT EXTENSIONS AT 9 & 10 BAKERS OAK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RP. For: Mr Cutter per Richard Ball Architect, Ilex, Ashfield Crescent, Ross On Wye, Herefordshire, HR9 5PH.
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122724&NoSearch=True

Date Received: 27 September 2012 **Ward: Ross-on-Wye West** **Grid Ref: 359297,223166**
Expiry Date: 9 January 2013
 Local Member: Councillor CM Bartrum

1. Site Description and Proposal

- 1.1 The application site is located on an established residential estate within Ross on Wye and is also within the Wye Valley Area of Outstanding Natural Beauty. The site comprises a pair of semi detached dwellings, no's. 9 & 10 Bakers Oak. The dwellings are located at the northern end of the cul-de-sac and adjoin other similar residential development to the north and south. The dwellings feature attached garages projecting forward of the building line and principle elevation. The garage serving no.10 has been converted to provide additional accommodation.
- 1.2 The proposal is for the erection of a front single storey extension over the frontage of both properties. The extension measures a cumulative 10.8 metres x 6 metres in plan. The ridge height is 3.6 metres and the proposal has an eaves height of 2.3 metres consistent over the whole scheme.

2. Policies

2.1 National Planning Policy Framework (NPPF)

- Core planning principles – Design quality – para 17
- Requiring good design - quality, context and local character and distinctiveness - Chapter 7
- Determining applications – determination in accordance with the approved plan unless material conditions indicate otherwise – para 196

2.1 Herefordshire Unitary Development Plan (HUDP):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use & activity
H18	-	Alterations & extensions
LA1	-	Areas of Outstanding Natural Beauty

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 2.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 SH98/0665/PF – Pitched roof replacing flat roof – Approved with conditions

4. Consultation Summary

Internal Council advice

- 4.1 The Transportation Manager has no objection.
- 4.2 The Council's Conservation Manager (Landscapes) has no objection regarding impact upon the AONB given the location, context and nature of the application.

5. Representations

- 5.1 Ross on Wye Town Council has no objection
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The most significant local plan policy applicable to this application is H18 which allows for extensions and alterations to dwellings providing the original building remains the dominant feature, the proposals are in keeping with the character of the existing dwelling and its surroundings and does not result in an adverse impact upon adjoining residential properties.
- 6.2 The extension effectively infills the existing space at the front of both dwellings located between the forward projecting garages, respecting that established building line. A monopitch roof is then incorporated running the width of the dwellings replacing the existing flat roofed arrangement at no.9.
- 6.3 It is considered the proposal represents an enhancement to the properties and furthermore the streetscene. The proposal provides a consistent balanced appearance to this pair of semi detached dwellings whilst also providing architectural improvements, in particular removing and replacing the existing flat roof and having identical window details over the combined frontage.
- 6.4 The size, scale and mass is in keeping with the original dwellings, which remain the dominant feature and no adverse impact results upon adjoining residential amenity or privacy. Furthermore, adequate off road parking remains for both properties. Given the context, location and small, scale nature of the application, there is no adverse impact upon the character and appearance of the Wye Valley Area of Outstanding Natural Beauty.
- 6.5 Along with satisfying the design requirements of the National Planning Policy Framework, the proposal satisfies local plan policies S2, DR1, DR2, H18 and LA1.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **I16 Restriction of hours during construction**

Reason for Approval

- 1. **The application represents an extension of acceptable size, scale and form in keeping with and subservient to the original dwellings resulting in no adverse impact upon adjoining residential amenity or the character and appearance of an Area of Outstanding Natural Beauty. Furthermore the proposal is considered to satisfy Herefordshire Unitary Development Plan policies DR1, DR2, H18 and LA1 and the requirements of the National Planning Policy Framework**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

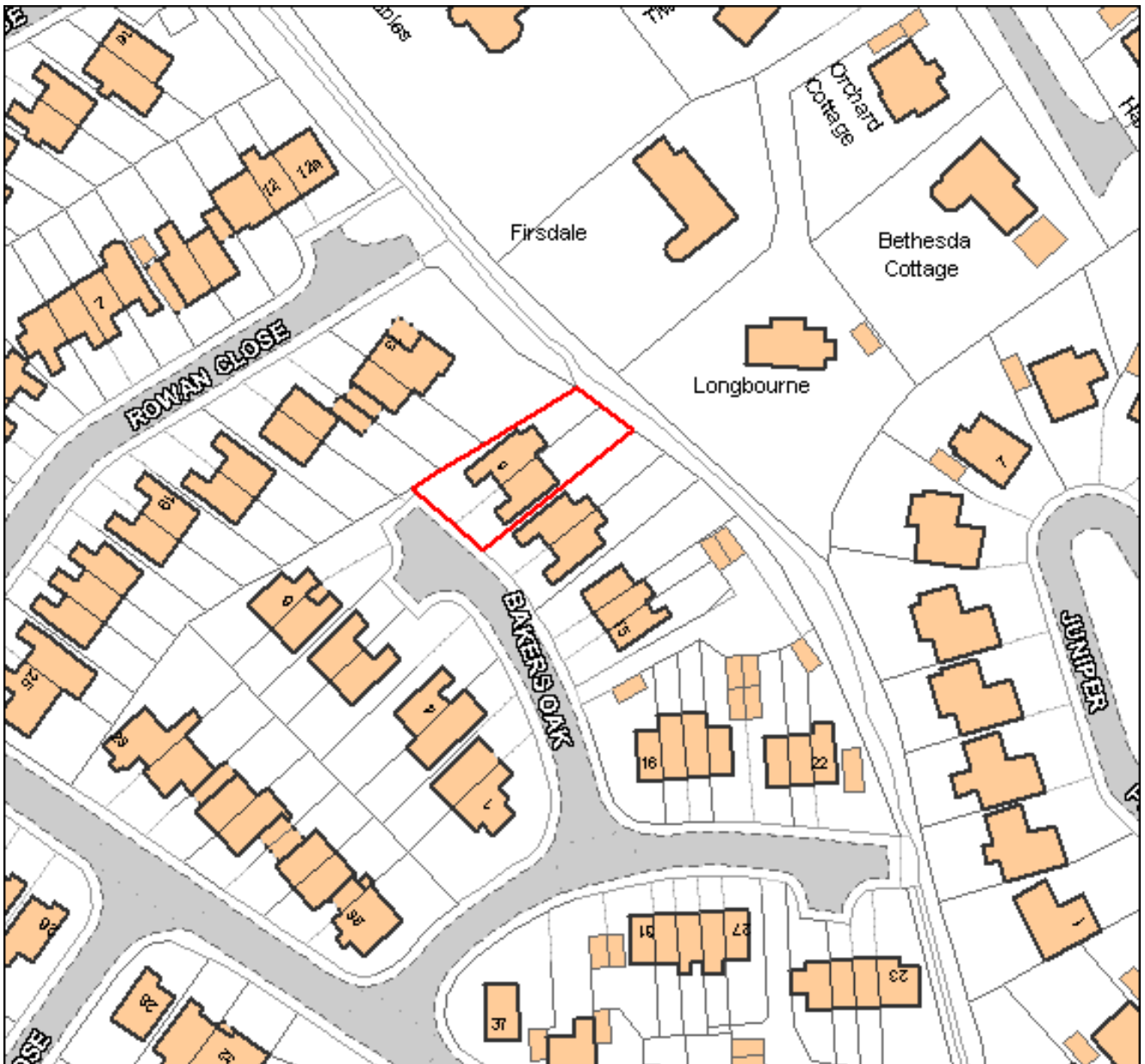
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/122724/FH

SITE ADDRESS : 9 & 10 BAKERS OAK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RP

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



MEETING:	PLANNING COMMITTEE
DATE:	9 JANUARY 2013
TITLE OF REPORT:	N123247/FH - INSTALLATION OF SATELITE DISH AT MEADOW END, LITTLE COWARNE, BROMYARD, HR7 4RG. For: Mr Kinnersley, per Mr Ken Kinnersley, 25 Victoria Court, Eign Street, Hereford, Herefordshire, HR4 0AW.
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123247&NoSearch=True

Date Received: 16 November 2012 **Ward: Bromyard** **Grid Ref: 361039,250166**

Expiry Date: 11 January 2013

Local Members: Councillors JG Lester and A Seldon,

1. Site Description and Proposal

- 1.1 The site is to the north-east of the C1117, Little Cowarne/Stoke Lacy Road, opposite the agricultural outbuildings belonging to 'Hilltop', a brick built agricultural worker's dwelling.
- 1.2 Planning permission was originally granted in 1999 under N99/0036/N, to demolish an existing bungalow and erect a 2 bedroom single storey dwelling with double garage on the site. Following the granting of permission the original bungalow was demolished. Although no other action was taken, the permission remains extant as development had commenced.
- 1.3 A further application was received in 2011 (DMN/110787/F) proposing amendments to the previously approved application. This scheme proposed a 25% increase in size when compared with the extant permission.
- 1.4 The dwelling permitted under application DMN/110787/F is in the process of being constructed. When completed it will have a mono pitched roof constructed of standing seam steel with a coloured coating and the walls will be rendered an off white colour. A two-bay garage and workshop of similar construction will be located to the north-west of the property.
- 1.5 This proposal is to install a satellite dish on the south elevation of Meadow End and is necessary as permitted development rights were removed from the dwelling as part of the permission previously granted (DMN/110787/F).
- 1.6 At the time of writing the statutory consultation period has not expired and as such the recommendation set out below reflects this. An update will be provided referring to any further comments received.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- | | | |
|-----|---|--|
| DR1 | - | Design |
| LA2 | - | Landscape Character and Areas Lest Resilient of Change |

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- H13 - Sustainable Residential Design
- H18 - Alterations and Extensions

2.2 National Planning Policy Framework:

- Chapter 7 - Proposed Good Design

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

The following are the previous applications considered relevant to the case:

- 3.1 N98/046/N Demolish existing derelict bungalow and erect three bedroom single storey dwelling. *Refused* 14th October 1998 as the scale and height of the proposed dwelling was not comparable in size to the original dwelling.
- 3.2 N99/0036/N Demolish existing derelict bungalow and erect three bedroom single storey dwelling. *Approved* 14 March 1999 subject to conditions.
- 3.3 DCNC2003/2823/F Erection of replacement dwelling with attached garage. *Refused* 6th November 2003 as the scale and height of the proposed dwellinghouse was not comparable in size to the original.
- 3.4 DMN/110787/F Proposed single storey dwelling as an amendment to extant permission N99/0036/N. *Approved* 15th June 2011 subject to conditions

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Consultees

- 4.2 Conservation Manager (Ecology/Water Quality): No objection

5. Representations

- 5.1 Little Cowarne Parish Council: Comments awaited
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application to install a satellite dish is necessary as permitted development rights were removed by a condition attached to a previous permission granted (DMN/110787/F).

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- 6.2 Within the application, the dimensions of the proposed satellite dish are not disclosed. Consequently, any permission given should be the subject of a condition restricting the maximum dimensions of the proposed satellite dish to ensure that they reflect current permitted development rights.
- 6.3 The proposed location of the satellite dish on the south elevation of the building would render the dish visible from public vantage points, particularly when approaching the dwelling from the South on the C1117. However, control over the maximum size of the satellite dish – imposed via condition – will ensure that there is no undue adverse impact upon the character or appearance of the site or the local landscape. Consequently the proposal accords with Policy H18, supported by Policy DR1.
- 6.4 The satellite dish would be facing away from Hill Top, the only other residential dwelling in close proximity to the application site. Furthermore, the relatively small scale proposal is located 40 metres from Hill Top. As a consequence, there would be no encroachment upon the amenity or privacy of neighboring dwellings in accordance with Policy H18.
- 6.5 The proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. The proposal is considered to comply with the Unitary Development Plan and National Planning Policy Framework, and as such is recommended for approval.

7. RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period , the officers named in the scheme of delegation be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The length of the single satellite dish hereby permitted shall not exceed 100 centimeters.**

Reason: To protect the visual amenities of the area, to ensure the development complies with the requirements of Policies DR1 and H18 of the Herefordshire Unitary Development Plan and is in line with guidance provided within the National Planning Policy Framework.

Reason for Approval

- 1. The application to install a satellite dish on the south elevation of Meadow End is not considered to have an undue detrimental impact upon the character and appearance of the landscape nor is it considered to be of detriment to the amenity or privacy of neighbouring dwellings. As a consequence, the application accords with policies DR1, H13, H18 & LA2 of the Herefordshire Unitary Development Plan and is in line with the guidance provided within the National Planning Policy Framework.**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other**

material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

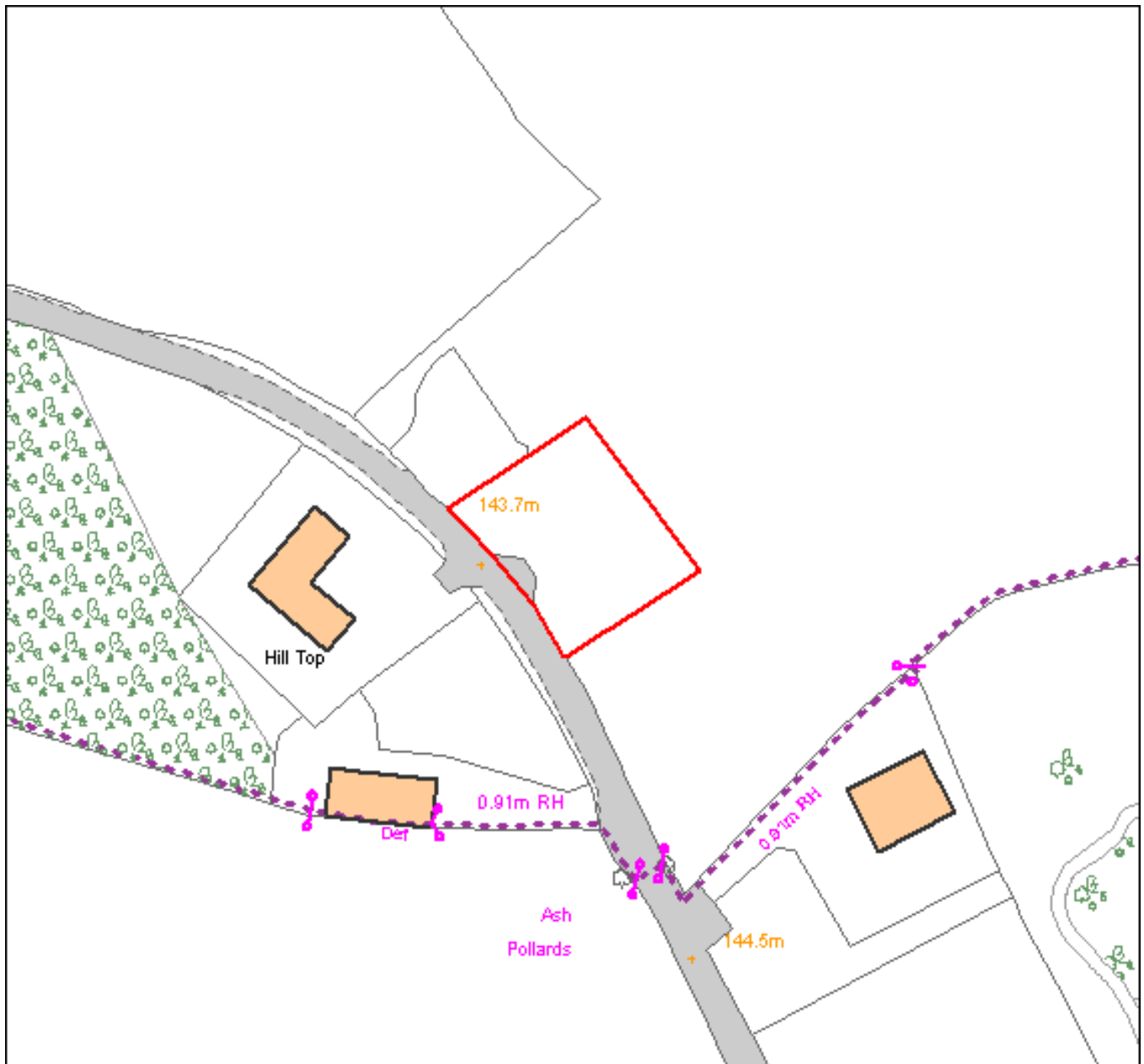
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/123247/FH

SITE ADDRESS : MEADOW END, LITTLE COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4RG

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

