

AGENDA

Planning Committee

Date: **Wednesday 5 August 2015**

Time: **10.00 am**

Place: **The Shire Hall, St Peter's Square, Hereford HR1 2HX**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member 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 (TO FOLLOW)</p> <p>To approve and sign the Minutes of the meeting held on 15 July 2015.</p>	
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	7 - 12
7.	<p>143769 - UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HR4 8AH</p> <p>Proposed construction of six poultry houses and feed bins, ancillary works, erection of biomass boiler building and single storey ancillary building, amendments to existing vehicular access and associated landscaping.</p>	13 - 36
8.	<p>150812 - LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG</p> <p>Site for proposed residential development for 35 houses.</p>	37 - 54
9.	<p>151344 - BPI FILMS, WORCESTER ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 0QA</p> <p>Proposed alterations to roof, replacement of existing roof vents with noise suppression louvres. Acoustic panel surround and silencers to chiller units.</p>	55 - 62
10.	<p>151121 - LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE</p> <p>Proposed residential development of 10 no dwellings.</p>	63 - 76
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 1 September 2015</p> <p>Date of next meeting – 2 September 2015</p>	

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MEETING:	PLANNING COMMITTEE
DATE:	5 AUGUST 2015
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 an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 150772

- The appeal was received on 8 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mrs Sharon Gray
- The site is located at The Cottage, Bosbury, Ledbury, Herefordshire, HR8 1QW
- The development proposed is Proposed upgrade and link extension to dwelling
- The appeal is to be heard by Householder Procedure

Case Officer: Mr M Tansley on 01432 261815

Application 140890

- The appeal was received on 15 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Pugh
- The site is located at Land adj Ashgrove HR1 3EY, Eastfields Farm, Bodenham, Hereford, HR1 3HS
- The development proposed is Proposed construction of earth slurry lagoon
- The appeal is to be heard by Written Representations

Case Officer: Ms R Jenman on 01432 261961

Application 142175

- The appeal was received on 6 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Gladman Developments Ltd
- The site is located at Land off Pencombe Lane, Bromyard, Herefordshire
- The development proposed is Site for up to 120 dwellings with associated open space and landscaping
- The appeal is to be heard by Hearing

Case Officer: Mr K Bishop on 01432 260756

Application 150238

- The appeal was received on 16 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mrs Turner
- The site is located at The Hopkilns, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed is Proposed single storey extension
- The appeal is to be heard by Written Representations

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 150239

- The appeal was received on 16 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mrs Turner
- The site is located at The Hopkilns, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed is Proposed single storey extension
- The appeal is to be heard by Written Representations

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 143370

- The appeal was received on 17 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr S Watkins & Mr P Bennett
- The site is located at Land to the East of Brook Lane, North of B4220, Bosbury, Hereford
- The development proposed is Proposed residential development for up to 37 dwellings of which 13 (35%) will be affordable
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

APPEALS DETERMINED

Application 142143

- The appeal was received on 10 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr J Glinos
- The site is located at 24 Hospital Houses, Burghill, Hereford, Herefordshire, HR4 7RE
- The development proposed was Site for a detached 3/4 bedroom house.

The Main issue was:

- Whether the development proposed would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development.

Decision:

- The application was Refused under Delegated Powers on 10 September 2014
- The appeal was Allowed on 2 July 2015

Case Officer: Ms K Gibbons on 01432 261781

Application 140963

- The appeal was received on 3 November 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Bovis Homes Limited
- The site is located at Land at 144 Aylestone Hill, and land to the east of Aylestone Hill, Hereford, HR1 1JJ
- The development proposed was Site for the development of up to 135 homes (including 35% affordable homes), public open space, new access (including demolition of 144 Aylestone Hill). Structural landscaping, sustainable drainage including balancing ponds and infrastructure and associated works.

The main issue(s) were:

- (a) the effect of the proposal on the character and appearance of the landscape;
- (b) its relationship with the Lugg and Hampton Meadows Site of Scientific Interest and the River Lugg Site of Special Scientific Interest and Special Area of Conservation;
- (c) the effect on the character and appearance of the Aylestone Hill Conservation Area having particular regard to the stated purpose for its designation;
- (d) whether there would be any adverse ecological impacts; and
- (e) in the event that there is harm, whether any of the above, individually or in combination, or any other material consideration, including the overall accessibility of the site to local services and facilities, would significantly and demonstrably outweigh the benefits of the scheme with particular reference to the supply of housing land within the district

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 27 August 2014
- The appeal was Dismissed on 6 July 2015

Case Officer: Mr Edward Thomas on 01432 260479

Application 141514

- The appeal was received on 16 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Tony Fenn
- The site is located at Land at Bye Cross Farm, Moccas, Hereford, Herefordshire
- The development proposed was Proposed detached dwelling

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

The main issue was:

- The effect that the proposal would have on the objectives of national and local planning policies relating to the location of new housing and the protection of the countryside

Decision:

- The application was Refused under Delegated Powers on 18 August 2014
- The appeal was Dismissed on 6 July 2015

Case Officer: Mr Matt Tompkins on 01432 261795

Application 142108

- The appeal was received on 24 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr J Hickton
- The site is located at Land adjacent to Lea Hall Cottage, Lea, Herefordshire, HR9 7LQ
- The development proposed was Site for up to 44 new dwellings of which 35% will be affordable (16 units)

The main issues were:

- The effect that the proposal would have on the character and appearance of the area, and whether safe and suitable access would be provided.

Decision:

- The application was Refused under Delegated Powers on 16 December 2014
- The appeal was Dismissed on 7 July 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr A Banks on 01432 383085

Application 140757

- The appeal was received on 13 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr S Watkins and W Reynolds, Braemar Property Developments Ltd
- The site is located at Land East of Church House and West of A438, Bartestree, Herefordshire
- The development proposed was Residential development of up to 51 new dwellings of which up to 18 will be affordable

The main issue was:

- Whether, with due regard to the development plan and the National Planning Policy Framework (the Framework), the proposal would be a suitable sustainable form of development.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 29 October 2014
- The appeal was Allowed on 7 July 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr Edward Thomas on 01432 260479

Application 141994

- The appeal was received on 4 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr J Greene

- The site is located at Land adjacent to Chapel Orchard, Hereford Road, Weobley, Hereford, HR4 8SW
- The development proposed was Proposed erection of 4 nos. dwellings with associated access and parking

The main issues were

- Whether the proposed development adequately contributes to the supply of housing; and whether the proposed development preserves or enhances the character or appearance of the Weobley Conservation Area and the setting of the Weobley Castle Scheduled Ancient Monument.

Decision:

- The application was Refused under Delegated Powers on 4 September 2014
- The appeal was Dismissed on 7 July 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr Mark Tansley 01432 261815

Application 142672

- The appeal was received on 17 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Steve Birch
- The site is located at Field adjacent to the Barn, Lower Snodhill, Herefordshire, HR3 6BH
- The development proposed was Site for proposed dwelling.

The main issue was:

- Whether a new dwelling in this location would be acceptable having regard to the principles of sustainable development

Decision:

- The application was Refused under Delegated Powers on 31 October 2014
- The appeal was Dismissed on 8 July 2015

Case Officer: Mr Matt Tompkins on 01432 261795

Application 141889

- The appeal was received on 2 March 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mr Kevin Rowsell
- The site is located at The Bache, Kimbolton, Leominster, Herefordshire, HR6 0ER
- The development proposed was Proposed variation of condition 2 of planning permission DCNC0009/1980/F (Conversion of redundant farm buildings into two dwellings and associated siteworks) Amendments to approved plan to include additional and relocation of roof lights, solar panels and new window.

• **The main issues were:**

The original planning permission¹ for the barn conversion granted in 2010 did not include a similar condition. The application subject to this appeal relates to a planning permission granted² for amendments to an approved plan to include additional and relocation of roof lights, solar panels and new window. Due to concerns raised by neighbouring occupiers a condition was attached to this permission which sought details for the boarding up of an external door, known as D7.

The appellant contends that the door never formed part of the 'amendments' application, as the details of the door were approved by the original permission. The appellant seeks to remove this condition so that access and egress can be gained from the rear of the property for reasons including maintenance and emergency purposes.

From the evidence before me, the extent of the land ownership and right of access is clearly a moot point which has been the subject of sustained investigation by various parties. However, a planning appeal is not the arena to re-run the ownership or access issue.

It is a key tenet of the planning system that planning permission is tied to the land, not the owner. As such the appellant was entitled to make a planning application on the appeal site. I note that the appellant undertook notice of the application and I am satisfied that the principal parties in the ownership dispute have participated in both the planning application and appeal processes. I am therefore satisfied that such parties would not be prejudiced by my consideration of the appeal proposal.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Matters of land dispute are non-material planning considerations.

Consequently, the main issue in this case is whether the disputed condition is necessary and reasonable to safeguard the living conditions of neighbouring occupiers at Lower Bache House.

¹ Planning Application ref: DCNC0009/1980/F (also referred to as revised ref number DMNC/092087/F)

² Planning Application ref: P141889/F

Decision:

- The application was Approved with Conditions under Delegated Powers on 16 October 2014
- The appeal was Allowed on 20 July 2015

Case Officer: Mr A Banks on 01432 383085

Application 142008

- The appeal was received on 6 March 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mrs Jaqueline Thomas
- The site is located at Land between, 39 and 41 Westfaling Street, Hereford, Herefordshire, HR4 0HB
- The development proposed was Proposed development to demolish garage and carport and construct a two storey, two bedroom house

The main issue was:

- The effect of the proposed development on the character and appearance of the area.

Decision:

- The application was Refused under Delegated Powers on 1 October 2014
- The appeal was Allowed on 22 July 2015

Case Officer: Ms K Gibbons on 01432 261781

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



MEETING:	PLANNING COMMITTEE
DATE:	5 AUGUST 2015
TITLE OF REPORT:	<p>143769 - PROPOSED CONSTRUCTION OF SIX POULTRY HOUSES AND FEED BINS, ANCILLARY WORKS, ERECTION OF BIOMASS BOILER BUILDING AND SINGLE STOREY ANCILLARY BUILDING, AMENDMENTS TO EXISTING VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING. AT UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HR4 8AH</p> <p>For: Mr and Mrs S Perkins per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143769&search=143769
Reason Application submitted to Committee – Re-direction	

**Date Received: 18 December 2014 Wards: Queenswood Grid Ref: 349645,245809
and Sutton Walls**

Expiry Date: 24 March 2015

Local Members: Councillors PE Crockett and K S Guthrie.

1. Site Description and Proposal

- 1.1 Upper House Farm lies on the west side of the A49(T) Hereford to Leominster Trunk Road between the junction for the village of Moreton-on-Lugg to the south and Moreton Industrial Estate to the north. Access is via the A49(T). This is an Environmental Impact Assessment development, accompanied by an Environmental Statement (ES) which has been duly advertised on three occasions as required when amendments or additional information is submitted.
- 1.2 Upper House Farm currently operates six poultry units, with 271,000 broilers, this application is for a further six buildings, housing a further 271,000. Under current stocking densities this would result in 542,000 birds on site. The site already has an Environmental Permit allowing up to 612,000 broilers in total. There is also a 0.996Mw biomass boiler on the farm.
- 1.3 The proposal includes the erection of six poultry buildings, of 107m x 22m, 5.8m to ridge, with eaves at 3m. These buildings include seventeen ridge fans and twentyfour roof mounted inlet vents. The fans add a further 0.6m to the height (6.4m). These buildings are located in the field approximately 220m west of the rear of the existing buildings. 4 feed bins are associated with each building amounting to 24 in total. The height of the feed bins is approximately 6.8m.
- 1.4 A biomass boiler building is also proposed at the north end of the proposed broiler units, and measures 24.83m x 12.3m, with a ridge height of 7.2m and eaves of 5.6m. The output of the unit being 0.996Mw. A smaller L-shaped service building is proposed along with a generator

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

adjacent to the entrance into the field from the farm track. A 90m³ water tank is also proposed. A hard standing around the buildings is also proposed. Lighting is proposed to be the minimum required to provide a safe working environment.

- 1.5 The existing farm manager's dwelling is situated 50m to the west of the existing poultry buildings, and 200m east of the site.
- 1.6 It is proposed to run the standard 36-38/7 day growing/cleaning production cycle on a different phase to the existing units to avoid peak activities and emissions coinciding.
- 1.7 The nearest property at Moreton -on-Lugg lies approximately 690m to the east, properties on Moreton Road at 620m to south east, Cuckoo Corner and the camp site 580m, and the nearest at Portway 615m to the west.
- 1.8 The site is already above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Upper House Farm currently operates under an EP for its poultry operations. The applicant has been issued with an EP variation (Ref: EPR/TP3536MZ/V004) to allow up to 612,000 birds on the site.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 7	-	Requiring Good Design
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S7	-	Natural and Historic Environment
S9	-	Minerals
S10	-	Waste
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR9	-	Air Quality
DR13	-	Noise
DR14	-	Lighting
E13	-	Agricultural and Forestry Development
E16	-	Intensive Livestock Units
T8	-	Road Hierarchy
T11	-	Parking Provision
NC1	-	Biodiversity and Development

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

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
LA2	-	Landscape Character and Areas Least Resilient to Change
LA4	-	Protection of historic parks and gardens
LA5	-	Protection of Trees Woodlands and Hedgerows
LA6	-	Landscaping Schemes
CF2	-	Foul Drainage
HBA4	-	Setting of listed buildings
ARCH1	-	Archaeological assessments and field evaluations
M5	-	Safeguarding mineral reserves.

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Addressing Climate Change
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Local Distinctiveness
LD3	-	Biodiversity and Geo-diversity
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.4 Other Material Considerations

Landscape Character Assessment

2.5 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 1032345- the current poultry units on the farm to the east the site were approved 24/11/10, (replacement of earlier buildings).

3.1.1 112954 - Poultry manager dwelling to east of site approved 14/1/2011.

3.1.2 08/1832- Green waste composting facility in same field immediately north of site approved 13/3/09, not implemented.

4. Consultation Summary

Statutory Consultees

4.1 Natural England –

4.1.1 The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as River Lugg Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

4.1.2 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

4.2 SAC- No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

4.2.1 Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view

4.3 SSSI- No objection

This application is in close proximity to the River Lugg Site of Special Scientific Interest (SSSI). Please see section above. Our concerns regarding the River Wye SSSI are the same as those for the River Wye SAC.

4.4 Environment Agency –

4.4.1 Environmental Permitting Regulations: The proposed development comprises 270,000 birds, taking the total birds on site to approximately 540,000. This is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Upper House Farm currently operates under an EP for its poultry operations.

4.4.2 Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

4.4.3 For your information the applicant has been issued with an EP variation (Ref: EPR/TP3536MZ/V004) to allow up to 612,000 birds on the site. A copy of the Permit has been submitted with this planning application for completeness.

4.4.4 For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

4.4.5 Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

(FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect on surface water run-off.

- 4.4.6 The submitted ES confirms that a number of attenuation measures are to be put in place to ensure no increase run off post development.
- 4.4.7 Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice - 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.
- 4.4.8 Manure Management (storage/spreading): Under the EPR the applicant is required to operate a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site.
- 4.4.9 The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.
- 4.4.10 Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
- 4.4.11 The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.
- 4.4.12 In addition Emma Musgrove has responded following complaints to the Agency about a number of matters connected with the existing poultry site. Her response and log of incidents is attached as appendix 1 to this report.

4.5 Highways England –

- 4.5.1 The Highways Agency has reviewed the documents submitted in support of the application and has concluded that the anticipated level of traffic generation and movements as a result of the proposal will have a negligible impact on the operation A49. The existing access is also considered suitable for the proposed development.
- 4.5.2 Accordingly, our response is one of no objection. Please find enclosed a TR110 form.

Internal Consultees

4.6 Environmental Protection Service Manager (Environmental Health) –

- 4.6.1 I have had opportunity to consider the application and supporting documentation in some detail and would make the following observations.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

4.6.2 The most likely problems for neighbours from the operational activities associated with this type of development are:

1. Odour, directly from the poultry houses which will vary during a growing cycle but is particularly elevated during harvesting and cleaning operations and is also often a problem associated with the storage, disposal and associated manure spreading activities.
2. Noise, from ventilation systems, deliveries and harvesting.
3. Dust, from ventilation systems.
4. Insect and rodent infestations.

4.6.3 The application has addressed these matters in the following manner:

1. A Dispersion Modelling Study of the impact of Odour from the proposed and cumulative effects with the existing poultry units prepared by Steve Smith , dated 22/7/14 has been submitted in support of the application . This report concludes that the modelling indicates that odour concentrations that could be attributed to the poultry houses would be below the Environment Agency's benchmark for moderately offensive odours. The report also gives consideration to peak odour levels such as experienced during the de littering of houses . Whilst there are no recognised standards the results appear to indicate that odour levels should not be excessive at properties not associated with the farming enterprise.
2. A noise impact assessment of predicted noise levels, report dated the 7/8/15, has been undertaken and submitted with the application. The report concludes that the fan noise and transport noise and other activities associated with poultry rearing will not result in an adverse noise impact on the nearest dwellings. I am aware of a typographical error in table 27 of the report that overstates the predicted increase in traffic noise. I am however in agreement with the report's conclusions.
3. A risk assessment has been undertaken to assess the likely detrimental effects of dust which concludes that no significant impacts are likely. Government research on dust from poultry houses would support this conclusion.
4. Good husbandry and appropriate control measure will ensure that problems with pests do not occur, however should there be any future problems the Local Authority has adequate powers available as provided by the Environmental Protection Act 1990 and The Prevention of Damage by Pests Act 1949 to require that the appropriate controls are implemented.

4.6.4. This proposal will fall within the scope of the environmental permitting legislation, which considers all forms of pollution to air, land and water, including odour and noise and it will require a permit from the Environment Agency, The legislation covering the permitting regime allows for a refusal to grant a permit, should the applicant not be able to demonstrate that the process can operate without causing undue harm. Also once a permit has been granted it is an offence not to comply with it's requirements which can be varied if necessary or the permit may be suspended and/or withdrawn.

4.6.5 Finally if the members are minded to grant permission I would suggest that conditions are included as regards, prior approval of any external lighting, the covering/sheeting of trailers used to remove manures from the site and prior approval of locations used for the storage of wastes and manures. The noise assessment suggests that time restrictions would be appropriate for construction works. I would therefore suggest that such a restriction should prohibit such works before 08.00 and after 18.00 on Monday to Friday before,08.00 and after 13.00 on Saturday with no Sunday or Bank Holiday working.

4.7 **Drainage Consultant** –

4.7.1 Parsons Brinckerhoff provided comment to Herefordshire Council in regard to flood risk and land drainage aspects for this proposed development in March 2015 and the following recommendations were made:

"We have no objections to this development in principle, although we would advise the Council to request the following information prior to granting planning permission:

- Further consideration of local sources of flood risks, in particular those associated with the minor watercourses in close proximity of the site and overland flow through the site, and proposed mitigation measures.
- Further demonstration that discharge to the existing watercourse to the north of the site will not pose any increased risk between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.
- Further consideration of pollution risks associated with the mapped overland flow route through the site and the management of exceedance flows associated with larger storm events and/or blockage of the drainage system."

4.7.2 The Applicant has since provided an updated Flood Risk Assessment (dated June 2015) to address the points raised above.

Overview of the Proposal

4.7.3 The Applicant proposes to build six new poultry units to expand an existing poultry site. The submitted FRA states that the site area measures approximately 5.55ha and that the proposed development area (i.e. impermeable surfaces) measures 1.89ha. The site currently comprises greenfield land.

Fluvial Flood Risk

4.7.4 Two drainage ditches have been identified adjacent to the western and eastern sites boundaries and the need to consider potential flood risks associated with these features was requested as part of our previous response. This assessment is demonstrated within the updated Flood Risk Assessment. The assessment concludes that the drainage ditches have sufficient capacity to cater for the 1 in 100 year event and that the maximum depth of flood water predicted during the most extreme events would be less than 300mm with an associated hazard rating of 1ow'. The assessment also concludes that any emergence from these ditches would flow north and not through the proposed development site. The Flood Risk Assessment states that the risk of fluvial flooding will be further managed and mitigated by using a number of risk management measures. We could not see a description of these proposed measures within the Flood Risk Assessment, but recommend that the finished floor level of the proposed poultry units is raised 300mm above adjacent ground level to reduce the risk of inundation from all identified sources of flood risk. We concur with this assessment and do not foresee fluvial flood risks from these watercourses to pose notable risk to the proposed development.

Other Sources of Flood Risk

- 4.7.5 Our review of the EA's Risk of Flooding from Surface Water map indicated that an overland flow route may pass through the proposed site and pose flood risk to the development. The updated Flood Risk Assessment provides an assessment of this risk and predicts a maximum flood depth of 300mm and an associated hazard rating of low'. The Flood Risk Assessment states that the risk of surface water flooding will be further mitigated by using a number of risk management measures. We could not see a description of these proposed measures within the Flood Risk Assessment, but recommend that the finished floor level of the proposed poultry units is raised 300mm above adjacent ground level to reduce the risk of inundation from all identified sources of flood risk. We do not foresee any significant flood risks to this development from surface water sources.
- 4.7.6 The updated Flood Risk Assessment provides an assessment of risk associated with groundwater emergence. It concludes that groundwater is generally located at a significant depth below the ground's surface, but that property level protection measures will be implemented in the unlikely event of emergence. As above, we could see a description of these proposed measures, but recommend that the finished floor level of the proposed poultry units is raised 300mm above adjacent ground level to reduce the risk of inundation. We do not foresee any significant flood risks to this development from groundwater sources.
- 4.7.7 The updated Flood Risk Assessment provides an assessment of risk from sewerage and other sources of flooding and concludes that the risks are insignificant. We concur with this assessment.

Surface Water Drainage

- 4.7.8 The updated Flood Risk Assessment provides a summary of the proposed surface water management strategy. The use of infiltration features is not considered to provide a viable means of surface water drainage and therefore it is proposed to discharge surface water runoff to the drainage ditch adjacent to the eastern site boundary that in turn will convey water to the River Lugg.
- 4.7.9 The Flood Risk Assessment concludes that the ground's permeability will be too low to support the use of infiltration techniques. Whilst we agree that infiltration may not be suitable to manage all runoff from this development, we would still promote the use of combined attenuation and infiltration features that maximise infiltration as much as possible - subject to confirmation of groundwater levels as the base of any unlined structure should be a minimum of 1 m above the highest recorded groundwater level.
- 4.7.10 The Flood Risk Assessment states that surface water will be collected in a series of french drains prior to discharge to an attenuation area to the east of the site boundary. The Flood Risk Assessment states that it is intended to increase the size of the existing drainage ditch to the east of the site to accommodate the required attenuation storage volume. Our review of the topographic survey, however, indicates that the proposed attenuation area may be located immediately to the north of the existing drainage ditch rather than along the alignment of the existing ditch. This will need to be clarified by the Applicant prior to construction and the attenuation pond sized accordingly. If the ditch does indeed flow along the alignment of the proposed attenuation area, the Applicant must demonstrate that the catchment draining to this ditch has been taken into account in the sizing of the attenuation area. The provision of an off-line solution may be more appropriate if this is the case.
- 4.7.11 The Flood Risk Assessment states that it is proposed to limit the discharge from the attenuation area to the calculated QBAR value of 10.96 l/s. Whilst this is acceptable in principal, we note that this is the discharge rate from the whole of the site area (comprising 5.5ha) and not from the area that will be drained to the attenuation pond. Review of the site

plan and topographic survey indicates that the remainder of the site (some 3.6ha) which will remain as greenfield land will continue to drain as per the current situation and may not therefore drain into the proposed attenuation pond. This will need to be clarified by the Applicant and the size of the attenuation area sized accordingly.

4.7.12 The Applicant intends to provide sufficient storage within the proposed attenuation area to cater for the 1 in 100 year plus climate change event and we concur with this approach. It is also recognised that the proposed French drains and attenuation area will provide treatment of runoff via settlement and filtration and this approach is supported.

4.7.13 During extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage, the Applicant states that landscaped areas will include preferential flow paths that convey water away from buildings. The Applicant also states that surface water runoff will be directed to the drainage system through drainage gullies located around the perimeter of the buildings and through contouring of the hardstanding areas. We agree with this approach in principle and recommend that further details of this approach are provided prior to construction. Of particular interest will be the management of flows that overwhelm the capacity of the proposed drainage system - noting that whilst the attenuation area is sized to cater for the 1 in 100 year plus climate change event, the systems that convey surface water runoff to this area are typically designed for smaller events. The Applicant must demonstrate that surface water will be retained within the development until such a time that it can be conveyed to the attenuation pond, up to and including the 1 in 100 year event.

Dirty Water

4.7.14 The Flood Risk Assessment confirms that dirty water from the washdown of the poultry units will be discharged to a sealed system and will not therefore pose risk to the surrounding water environment. We support this approach.

Overall Comment

4.7.15 We have no objections to this development in principle and agree with the principles of the proposed flood risk and surface water management strategy. We do, however, recommend that the following information is requested prior to construction as part of suitably worded planning conditions:

- A detailed surface water drainage strategy, with supporting calculations, that demonstrates maximising the use of SUDS techniques, the provision of a dirty water drainage system, and the appropriate attenuation of surface water runoff to ensure no increased flood risk to people and property elsewhere up to and including the 1 in 100 year event. This must include the clarification of areas that drain to the proposed attenuation area and the provision of an appropriate discharge rate to the existing drainage ditch.
- Details of the proposed attenuation area, including cross sections and details of the proposed inlet and outfall structures.
- Confirmation of the depth to groundwater table to demonstrate that the base of any attenuation (or combined infiltration) feature is a minimum of 1m above groundwater level.
- Confirmation of the proposed flood management and mitigation measures, noting that we recommend finished floor levels of the poultry units are raised 300mm above adjacent ground levels.

4.7.16 Details of the proposed measures (preferably with drawings) to demonstrate designing for events that may exceed the capacity of the proposed surface water drainage system, up to and including the 1 in 100 year event.

4.8 Conservation Manager (Landscape)

- The proposal forms part of a larger arable field set on low lying land at 65m AOD, within the Landscape Character Type Wet Pasture Meadows there are no landscape designations within the site or its surroundings. Chapter 14 of the ES states that all trees surrounding the site are proposed for retention. With regard to landscape impact it is therefore concluded that the proposal would be unlikely to cause significant harm to the components within this Landscape Character Type.
- With regard to visual impact it is considered that views looking westwards from the A49 and the settlement of Moreton on Lugg are unlikely to be extensive as the land is low lying, views will therefore be interrupted by intervening vegetation and built form.
- Middle distance views such as those indicated in viewpoints C to E where the landform begins to rise will provide views of the proposal. Whilst it is recognised that these views are confined to short sections of pathway or gaps in hedgerow it should be noted that viewpoints were taken at the height of summer and views of the proposal in winter will be more extensive.
- Long distance views from elevated topography to the west such as those indicated in viewpoints F and G are considered likely. The proposal will be viewed in conjunction with the 6 existing units located approximately 400m east of the site, separated in part by a Perry orchard. The cumulative impact of this proposal is therefore a real consideration which I am not convinced has been well addressed within either Chapter 7 or 14 of the Environmental Statement. That said following on from a site visit I am of the opinion that with appropriate mitigation the cumulative impact will not be of a degree that could yet be considered significant although any further development of this nature within the locality would be likely to fall within this bracket.

Recommendations

4.8.1 On the basis of the aforementioned comments it is recommended that a robust landscape mitigation strategy be supplied, incorporating the following measures:

- The proposed tree belt whilst not consistent with the Landscape Character Type Wet Pasture Meadows, given the sites proximity to Principal Settled Farmlands can be considered acceptable and where possible should be linked to existing blocks of woodland.
- It is further recommended that in lieu of the inter planting of Silver Birch a species with a fuller crown and more consistent with the landscape character type would be *Acer campestre* – Field Maple
- Where gapping up of hedgerows are proposed this should be shown on a plan
- A management plan should be supplied and should include proposed heights of hedgerows.

4.8.2 It is recommended that a condition be applied with regard to the protection of existing vegetation (G04) and that a landscaping plan (G10) accompanied by a management plan (G14) should be supplied.

4.8.3 In response to the additional information requested she advises- These landscaping and maintenance plans for Upper House Farm are acceptable.

4.9 Conservation Manager (Historic Buildings)

4.9.1 There are a number of listed buildings in the surrounding area, although none within the site or immediately adjacent to the boundary of the site. The Environmental Statement provides an inventory of the historic assets within 1km of the site and the likely impact upon these assets due to the proposal. This is set out in Chapter 8 and in more detail within Appendix 7 Heritage Impact Assessment.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

4.9.2 The decision taken in the Heritage Impact Assessment to identify a 1km radius for the study area results in two listed buildings within Moreton on Lugg being left out of the assessment. It is not clear why a 1km cut off was identified. The two buildings left out of the study area are the Church of St Andrew (grade II) and the adjacent barn (grade II). The church in particular is a significant landmark within the landscape and its setting extends beyond the churchyard boundary. The two listed buildings are approximately 1150 metres from the centre of the site and 1015 metres from the closest boundary. The range of hills to the south and south west of Upper House Farm offer clear views of the existing poultry units and the Church of St Andrew can be seen from some view points in the same context as the existing poultry units. There will be a cumulative impact from the additional 6 poultry units and associated buildings, with the potential for the complex to become more prominent in the landscape. The Heritage Impact Assessment therefore needs to consider the impact of the proposal on the two listed buildings within Moreton on Lugg, particularly considering the visual relationship between the church and Upper House Farm in long-distance views and the impact on the wider setting of the church.

4.10 Conservation Manager (Archaeology)

4.10.1 The application, in the submitted ES and elsewhere, considers the issue of archaeology at length. Whilst it is not necessary to fully reprise all the documentation here (including also comments made through consultation process), there are a number of pertinent matters that do require consideration.

- Firstly it is clear that there are various buried archaeological remains in comparatively close proximity to the proposed poultry house site. These confined remains (including but not limited to a particular Romano- British enclosure to the north) have been assessed and evaluated in some detail, both as part of this current application and also in relation to a number of previous agricultural and minerals & waste proposals in the locality. The archaeology here is well understood.
- Secondly, it is evident from the submitted plans and sections that the principal ground disturbing component of the poultry house construction is in the southern part of the site, where the 'cut' of the formation platform is at its most pronounced. This part of the site has been subject to intensive archaeological evaluation with negative result. The northern part of the site becomes progressively less invasive, with the northernmost margins being subject to generally only very shallow ground disturbance.
- Thirdly, although these northern margins are on the face of it sensitive, the archaeological interest would appear to be just to the north of the new built form rather than within it.
- Therefore, given all the above, it seems to me that the design and configuration of this poultry House development will accommodate the preservation in situ of the important remains nearby, any other harm being very limited.
- Accordingly, and on that basis, I have no objections to what is proposed.

4.11 Conservation Manager (Ecology)

4.11.1 I have read the Ecological Statement within the Environmental Report with the Ecological survey element in Appendix 10 and I am content that the ecology has been adequately assessed. There are mitigation and enhancement proposals within this which I would advise should be secured by condition should the application be given approval. To achieve this, the following condition needs to be added to any decision notice.

4.11.2 The recommendations set out in the Environmental report including Section 11.7 Ecological Statement and Appendix 10 Ecologist's Report from Star Ecology dated June 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

With regard to Habitats Regulations Assessment a full HRA report with a finding so No Likely Significant Effect has been submitted to Natural England

4.12 Transportation Manager

4.12.1 No objections to the internal layout. The access layout and capacity of the access are matters for the Highways England.

5. Representations

5.1 Moreton on Lugg PC -

5.1.1 At a recent Extra Ordinary Meeting the Chairman of Moreton on Lugg Parish Council, Cllr Kim Cooper, opened the meeting and gave a brief explanation with regards to the Planning Application received for a further 6 New Poultry Houses plus ancillary works for Upper House Farm, Moreton-On-Lugg, Hereford - Application No P143769F and the effect that this would have on the environment of the Village of Moreton-on-Lugg. The Chairman also outlined the history of previous applications for the site.

5.1.2 Residents were asked to voice their comments on the planning application. The objections were primarily based on:

1. The noise from deliveries for re-filling the feed bins which currently have no restrictions on time, even at night. The biomass boiler would consume 1500 tonnes of fuel per year all of which all has to be delivered and then cut down to size prior to use. The erection of 6 extra houses would in theory triple the existing noise level.
2. The smell which is all pervading when the sheds are being cleaned out. Residents in Moreton and Pipe cum Lyde are particularly affected by this nauseous smell and cannot avoid it. If the development of six more houses is granted, it can only be assumed that the houses will be cleaned out on a rotation basis so the nauseous smell could become a constant hazard due to the extended cleaning programme
3. The increased traffic on the A49 which would involve large slow moving vehicles turning into the farm. Already there have been 3 fatalities since 2009, sadly two of these in the last two months and all within 500 yards of the entrance to Upper House Farm. The A49 has already been closed twice this month due to incidents one on the 8th January and the second on the day of the meeting - both within eyesight of the farm entrance.

- 5.1.3 All Councillors and Parishioners present were of the same opinion that the noise, smell and traffic problems could obviously more than double if this planning application was granted. It was acknowledged that even though many had complained about the existing smell and noise in the past to the Hereford Council, these complaints had not passed onto the appropriate departments those being the Environmental Agency and The Planning Department. One resident had also written to a Member of Parliament and as yet had had no satisfactory reply. Based on the above, it was felt that if this planning application is granted there would be no recourse to any of the agencies so it is imperative that objections are put forward personally by as many Parishioners as possible to show the strength of feeling in this village against this Planning Application.
- 5.1.4 It was made obvious by the turn out of over 40 residents that the extension to this poultry farm would cause serious smell, noise and traffic problems and, for those who live in properties in close proximity to the farm, there would be a distinct increase in disadvantage regarding property value and future saleability.
- 5.1.5 Those present also felt that an urgent inspection should be carried out at Upper House Poultry Farm before any further planning applications are even considered and that previous planning stipulations laid down by the Planning and The Environmental Agency are seen to be adhered to. One of these stipulations, which has been totally ignored to date, is the planting of appropriate trees to camouflage the existing buildings - a proposal which is again part of this current planning application.
- 5.1.6 The Parish Council uphold all observations, objections and complaints and therefore wish to illustrate by means of this letter their strong objection to the current planning application for six additional poultry houses to be erected at Upper House Farm, Moreton on Lugg.
- 5.2 Burghill PC- objects to the application for the following reasons:
1. proposal will extend an industrial footprint in the countryside, is more appropriate to an industrial site.
 2. Visual impact will be seriously harmful to the character and appearance of the countryside.
 3. Odour is already an issue at certain times in Portway, increasing the density will exacerbate this existing issue.
- 5.3 Pipe and Lyde PC- has by majority decision resolved to object to the application for the following reasons:
1. proposal will extend an industrial footprint in the countryside, is more appropriate to an industrial site.
 2. Visual impact will be seriously harmful to the character and appearance of the countryside.
 3. Odour is already an issue, increasing the density will exacerbate this existing issue.
- 5.4 30 letters of objection have been received from residents of Moreton –on-Lugg and 1 from Portway and 1 from Moreton Road.
- 5.4.1 The objections can be summarised as follows.
1. Increase in noise over and above existing problems, through feed hopper, fans and chipping wood for biomass boiler.
 2. Smell, by operating on a different stocking cycle the existing problems at cleaning times will occur twice as often. Windows and doors have to be kept closed and it is not possible to use the garden at times.
 3. The EA already fail to manage the existing site effectively.
 4. Impact on the nearby cuckoo corner camp site and tourism generally.

5. The A49 is already dangerous, more slow moving lorries turning on and out of the site will exacerbate the situation.
6. Landscape impact.
7. Existing buildings not landscaped.
8. Chicken sheds are associated with numerous diseases.
9. Not conducive to bird welfare at this scale.
10. Contamination of ground water.
11. Computer modelling and metrics do not compare to the reality in the village.
12. The site is of archaeological importance.

5.5 The Wye and Usk Foundation:

5.5.1 The Wye and Usk Foundation is an environmental charity No. 1080319 with a concern for the catchments of Wye and Usk SAC Rivers. A specific concern is over the increasing levels of Phosphate in the river Wye and tributaries and their effects on the environment and consequential problems for Herefordshire's core strategy.

5.5.2 This proposal is in the Moreton Brook catchment which currently fails the Water Framework Directive target for Phosphate. Although we have no objection to this site in principle as it appears dirty water will be collected and clean water attenuated, our objection is to the lack of consideration within the planning process to the additional Phosphate the site will contribute to the wider county which already faces crises. Herefordshire county faces a Phosphate problem, which primarily arises from sewage treatment works and agriculture, resulting in sections of the Wye SAC failing to meet the P limits set by the Habitats Directive. Allowing phosphate to enter a watercourse, whether attached to soil washed from fields or as dirty water/effluent, results in a cumulative effect downstream where levels are currently seen to cause algal blooms in the River Wye Special Area of Conservation. Even if all recommendations are adhered to, there will be a cumulative rise in the Wye's P levels and this will be enhanced further by additions upstream in largely unregulated Wales.

5.6 The application is accompanied by an Environmental Statement, which as well as the main statement includes 15 appendices, which include the main technical issues as well as other related matters. A Design and Access Statement is also included.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 The application seeks permission for a further six buildings to house 271,000 broilers together with associated infrastructure and a biomass boiler.

6.2 This application is subject of an Environmental Statement,(ES), accompanied by a design and access statement. The ES has been considered together with accompanying application and supporting information and all other representations/consultation responses.

6.3 Regard must be had to the adopted development plan for the purposes of determination which must be made in accordance with the plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004). Saved policies remain in force and carry weight, where they accord with the NPPF.

6.4 The NPPF is a key material consideration at this time. It is to be regarded in its entirety, and sets out a presumption in favour of sustainable development and details three strands of sustainability (economic, social and environmental).

6.5 The key issues relate to

- Alternative sites
- Economic, Business and Tourism
- Landscape and heritage assets
- Residential amenity
- Transport/ Highway safety
- Drainage/Flooding
- Ecological issues

Alternative Sites

6.6 There is little scope for an alternative location since the applicant does not own land further north or west of the site. Moving the location further south or east would move the buildings closer to residential properties.

Economic, Business and Tourism Issues

6.7 Whilst intensive poultry development is often controversial, the economic benefits of such development have to be considered. In this instance the broiler production is in relation to the 'Cargill' chicken processing plant based in Hereford, where major expansion is necessary to remain competitive in the industry.

6.8 The importance of tourism generally to the County is acknowledged. In terms of the vicinity of the site, there is a small caravan/camping venue at Cuckoo Corner approximately 580m to the south east of the site. The existing poultry buildings are considerably closer than this at 350m. Given the distance involved, the control available via the EP and additional landscape mitigation, on balance, the proposal is not considered to be so harmful to business that a refusal of planning permission would be warranted on these grounds.

6.9 Consequently the proposed development is considered acceptable on this subject in respect to key policy E13 as well as other relevant HUDP policies and that of the NPPF, particularly Section 3 - Supporting a prosperous rural economy.

Landscape and Historic Heritage

6.10 This is a major development in open countryside and a Landscape and Visual Impact Assessment has been submitted. The original concerns of the Conservation Manager (landscape) have been addressed through appropriate mitigation which can be secured through the imposition of conditions. It is considered that concerns about impact on the character of the landscape have been addressed sufficiently to satisfy key policies LA2, LA5 and LA6 and the aims set out in Section 11, Conserving and enhancing the natural environment in the NPPF.

6.11 The Conservation Manager (Historic Buildings) identified that the assessment of heritage in the ES was limited to a 1km radius of the site. She refers to two buildings left out of the study area, the Church of St Andrew (grade II) and the adjacent barn (grade II). The church in particular is a significant landmark within the landscape and its setting extends beyond the churchyard boundary. The two listed buildings are approximately 1150 metres from the centre of the site and 1015 metres from the closest boundary.

- 6.12 Whilst the assessment has not included the named buildings, given their setting within the village of Moreton-on-Lugg, with a modern residential housing estate lying between them and the application site it is not considered that the setting of these buildings, is so adversely affected that it would be reasonable to refuse planning permission on that ground. The previous poultry buildings closer to Moreton-on-Lugg were not an issue in this regard.

There is no objection on archaeological grounds.

- 6.13 Consequently the proposal is considered to meet the requirements of key policies HBA4, ARCH1 and LA4 of the HUDP and Section 12 Conserving and enhancing the historic environment of the NPPF.

Environmental Health / Residential Amenity Issues

- 6.14 The Environmental Health Manager raises no objections, referring to the requirement for the site to have an EP, issued by the Environment Agency. If the emissions could not be addressed in a satisfactory manner in accordance with the thresholds for the issuing of a site permit then the EA would not issue a permit and the site would be unable to lawfully operate. In terms of environmental health and residential amenity issues, subject to the suggested conditions, the application is considered acceptable and in accordance with policies of the HUDP, in particular key policies S1, DR2, DR4, DR9, DR13, DR14, E13 and E16 as well as the NPPF.

Public Highway Access and Transportation Issues

- 6.15 The use of the A40 (T) Trunk road in relation to this application and cumulative impact with other road users is considered acceptable. Neither Highways England nor the Transportation Manager raise objection.
- 6.16 The Environmental Statement (Transport Assessment) makes reference to trip generation for both the poultry element and biomass element and this issue is considered to be addressed satisfactorily. Therefore on public highway and transportation matters the application is considered acceptable and in accordance with policies S1, S6, DR3 T8 and other relevant HUDP policies as well as the NPPF.

Drainage and Flooding Issues

- 6.17 The existing stream which runs along the eastern boundary of the site is to become an attenuation feature for storm water runoff from the site. The Council's Drainage Consultant has no objection subject to conditions, including the raising of the floor level of the buildings to 300mm above adjoining ground level. The Environment Agency has not objected. Dirty water is collected in a holding tank and tankered off site for appropriate disposal.
- 6.18 Therefore on flooding and drainage matters the application is considered acceptable and in accordance with policies S1, DR4, DR7 and other relevant HUDP policies and the NPPF.

Ecology

- 6.19 Ecological issues are considered to be addressed satisfactorily and it is recommended that a condition is imposed in order to ensure that the recommendations as set out in the ecology report submitted in support of the application are adhered to.
- 6.20 Natural England has been consulted on the application raising no objection.

- 6.21 On ecological issues the application is considered satisfactory and in accordance with policies NC1, NC3, NC6, NC7 NC8 and other relevant HUDP policies and Section 11 of the NPPF.

Cumulative Impact

- 6.22 The Planning Practice Guidance on Environmental Impact Assessment sets out when cumulative effects should be assessed as follows:

‘ Each application (or request for a screening opinion) should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. There could also be circumstances where two or more applications for development should be considered together. For example, where the applications in question are not directly in competition with one another, so that both or all of them might be approved, and where the overall combined environmental impact of the proposals might be greater or have different effects than the sum of their separate parts.’

- 6.23 In this instance it is the potential cumulative effects of the proposal together with the existing poultry units. Although the Wye and Usk Foundation have raised concerns about levels of Phosphate in Herefordshire, there is no reason to think that this proposal will necessarily exacerbate that problem. Emissions are controlled through the EP and dirty water collected and tankered off site. Noise and odour assessments include the existing units.
- 6.24 In landscape terms the potential cumulative impact has been considered as part of the consideration by the Conservation Manager (landscape), similarly during consideration of the heritage assessment. Concerns have not been expressed in these terms. Similarly no objection is raised in terms of the increase in traffic in the A49 (T).

Conclusions

- 6.25 There have been a number of competing elements to consider, not least of which have been the economic and amenity issues, landscape and historic heritage issues. The preceding sections of this report set out these and other issues and how they have been addressed through the application submission and/or the imposition of conditions.
- 6.26 The application is large in scale. However, it is considered that the development can be integrated into the environment in a satisfactory manner. The site is considered to be a suitable location for such farming practices. Sufficient mitigation measures are introduced to minimise any visual intrusion and adequately mitigate harm.
- 6.27 The NPPF sets out three dimensions of sustainable development namely economic, social and environmental. The policies set out in paragraphs 18 to 219 in the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. Compliance with the NPPF taken as a whole therefore meets the sustainability test.
- 6.28 It is considered that the proposal satisfies the relevant Unitary Development Plan policies and NPPF policies, and can therefore be considered to be sustainable development, there being no significant adverse impact associated with the proposal it is, having full regard for the ES and other submitted representations recommended for approval subject to conditions.

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 and limited to 271,000 bird places**
3. **B01 Development in accordance with the approved plans**
4. **I16 Restriction of hours during construction**
6. **All manure moved off site will be so in covered and sealed trailers.**

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. **I53 Storage for manure**
8. **Before the development hereby approved is commenced a detailed surface water drainage strategy, with supporting calculations, that demonstrates maximising the use of SUDS techniques, the provision of a dirty water drainage system, and the appropriate attenuation of surface water runoff to ensure no increased flood risk to people and property elsewhere up to and including the 1 in 100 year event shall be submitted to and approved in writing by the local planning authority. This must also include the clarification of areas that drain to the proposed attenuation area and the provision of an appropriate discharge rate to the existing drainage ditch.**

Development shall then be carried out in accordance with the approved details.

Reason: To ensure compliance with policies DR4 and DR7 of the Herefordshire Unitary Development Plan.

9. **No development will take place until the developer has provided detailed construction drawings of the proposed attenuation structure to be submitted to and approved in writing by the Local Planning Authority. The details submitted must include information pertaining to the depth, levels and dimensions of the structure and confirmation of the depth to groundwater table to demonstrate that the base of the attenuation feature is a minimum of 1m above groundwater level.**

Reason: To ensure that the development has sufficient capacity to attenuate surface water runoff up to and including the 1% annual probability event (including climate change allowance) to ensure no increased flood risk to people or property elsewhere and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

10. **I52 Finished floor levels (area at risk from flooding) above adjoining ground level**
11. **Before the development hereby permitted is commenced details of the proposed measures (with drawings) to demonstrate designing for events that may exceed the capacity of the proposed surface water drainage system, up to and including the 1 in 100 year event shall have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved plans.**

Reason: To ensure compliance with policy DR7 of the Herefordshire Unitary Development Plan.

- 12. G04 Protection of trees/hedgerows that are to be retained**
- 13. G11 Landscaping scheme - implementation**
- 14. G14 Landscape management plan**
- 15. The recommendations set out in the Environmental report including Section 11.7 Ecological Statement and Appendix 10 Ecologist’s Report from Star Ecology dated June 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.
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

INFORMATIVE:

- 1. The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which has been taken fully into consideration in determining this application.**
- 2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy Environmental Information 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.**

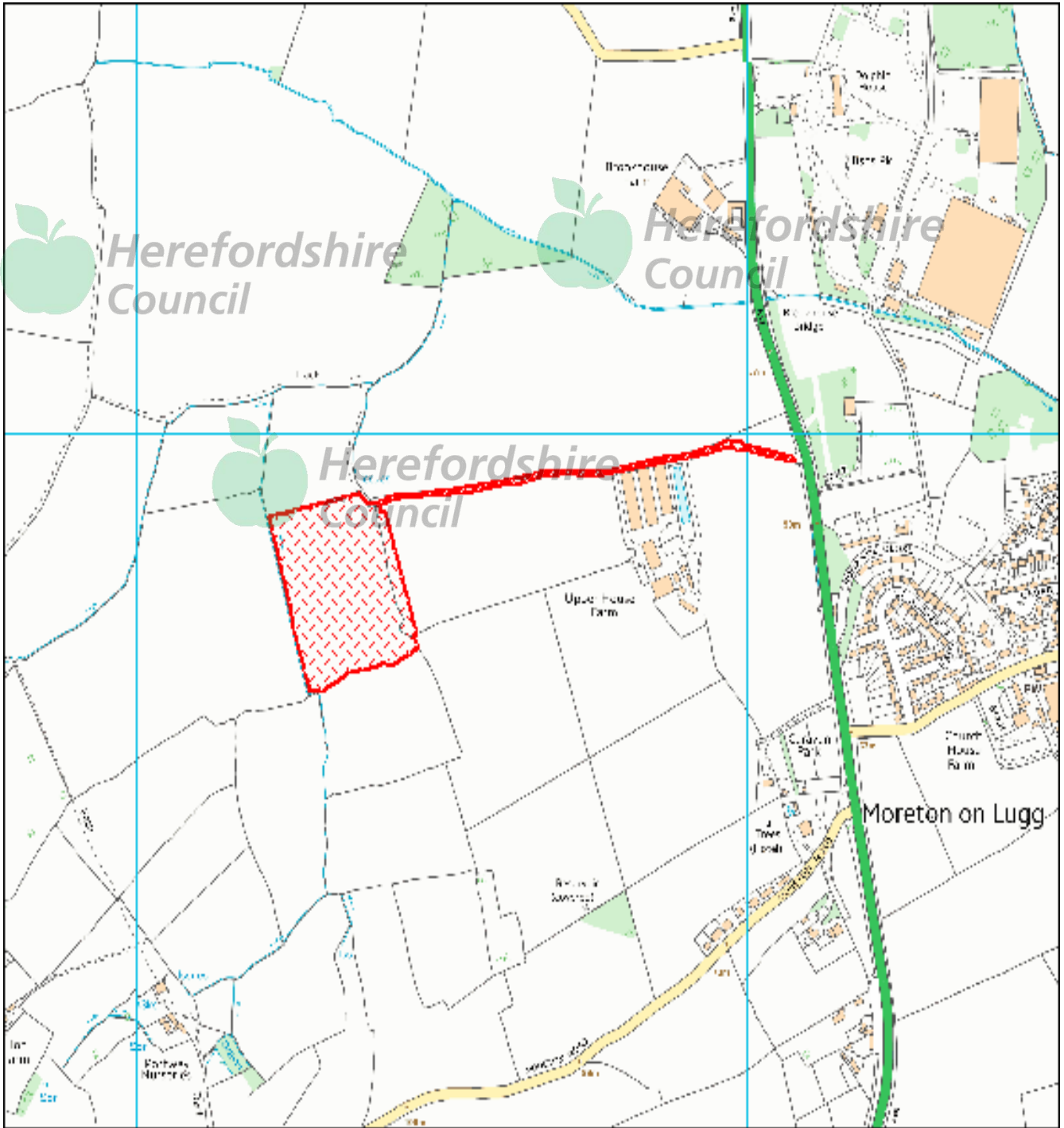
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Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 143769

SITE ADDRESS : UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HR4 8AH

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

Complaints History

Date/Time	Description	Comments
29/09/2011 23:58	Noise and disturbance coming from nearby chicken farm.	Site not attended..
09/03/2012 23:33	Noise and disturbance coming from chicken farm	Site not attended. Operator confirmed that feed delivery arrived late and out of ours. Sun valley confirmed agreement not to deliver between the hours of 10 pm and 6 am.
20/04/2012 21:19	Odour noticed by a passing member of EA staff	Site contacted and confirmed they were washing out. Adjustments made to ensure that odour will be contained on site.
23/01/2014 16:01	Odour complaint of chicken manure rated 6/6	Contacted site confirmed no odour issues and no further reports received.
	Not substantiated	
27/03/2014 00:14	Noise complaint	Officer contacted site, operator confirmed construction works occurring on neighbouring land (not owned by operator) causing on going noise.
	Not substantiated	Officer passed site 14/04/2014 to confirm construction works creating noise.
14/04/2014 10:09	Odour report. Reporter located 0.8 miles away from chicken farm. Odour is so bad it is making them vomit. Rated 6/6	Odour report passed to office whilst by the site addressing a noise report. Whilst there no odour issues were detected
	Not substantiated	
11/09/2014 10:02	Smell of chicken manure from upper house farm rated a 4/6	
11/09/2014 10:03	Disgusting stink of chicken manure from chicken farm nearby.	
12/09/2014 15:44	Acrid stench rated 8/6	Site contacted 20/09/2015 they confirmed they are adhering to their odour management plan and doing all they can to contain any odour. However they do not believe they are responsible. Neighbouring farms are spreading large quantities of chicken manure and in the dry weather conditions the odour produce is quite substantial
	Not substantiated	Officer attended 22/09/2014 09:35. No odour detected around the site perimeter however very strong odour noticed on surrounding lands from manure spreading. Large piles also stockpiled ready for further spreading. Land not owned by operator.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

01/10/2014 14:11	Very strong smell rated 5/6 from chicken farm	Site owners had contacted the previous morning to confirm muck spreading on other farms was taking place and the smell was significant.
02/10/2014 10:39	Odour 6/6 awful smell of waste product	Site contacted immediately and confirmed that they were not washing out and no noticeable smell coming from their site. They will take extra precautions. Also discussed contention in the village and from surrounding neighbours with flyers being put up in the shops to report the farm.
16/01/2015 07:20	Noise early this morning that work the caller up. Described as a wood chipper. First noticed at 03:00 in the morning	
20/01/2015 15:02	(via email) reporting chicken farm smelling at upper house farm reporter reporting a smell from 16/01/2015 Not substantiated	Officer contracted called 21/01/2015 Caller confirmed issues were mostly odour and significant in the summer. Caller confirmed the noise is happening at unsociable hours Officer contacted site operator and they confirmed they have been using a wood chipper. Wood chipper is not at site full time, it is brought to site. They have kept signing in sheets that confirm the chipper at 15:30 to 17:00 and also have CCTV footage to confirm the times on site. Times do not correlate to noise reports.
21/01/2015	Officer attended site in passing	No odour detected at reporters addresses or along site boundary or from the main road which was the direction of prevailing wind.
23/01/2015 10:28	Reported ongoing odour issues from chicken farm	
24/01/2015 09:29	Upper house farm using odour today that smells like chicken manure rated 5/6	
24/01/2015 16:05	Smell is 4.5/6 from chicken farm	
26/01/2015 13:38	Terrible odour from upper house farm. Not happy about planning to build more sheds. Rated 6/6	
26/01/2015 14:02	Terrible odour form upper house farm rated 3/6 on scale	
27/01/2015 10:16	Odour reported from upper house farm	
31/01/2015	Smell of dead bodies from upper house farm	
01/02/2015 17:00	Terrible smell from chicken farm rated 5/6 caller said it's noticeable all over the village.	

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

Complaints Log Upper House Farm**27/02/2015 08:22**

Odour report received rating it 5/6 and noticeably worse in the morning. No trend or pattern to odour noticed
 Officer's Comments: Fill date was the 11th of February 2015. The crop was only 16 days old and highly unlikely to generate odour. Site operator contacted and confirmed that perimeter walks had produced no odour concerns. Unsubstantiated.

05/03/2015 16:45

Noise complaint received. Reported had used a decibel application on mobile device that had tested at 89 db. Reporter stated that the noise happens at all times of day/ night and also at the weekend. Reporter stated that the noise was from a wood chipper on site.

Officer comments: decibel reader is believed to be some kind of application on reporter's phone. Reporter within very close proximity of a busy major A-road. The decibel level recorded is dramatically impacted by the background noise of the A-road. Incident not substantiated. Site confirmed that the chipper was hired for 1 hour between 16:05 and 17:05 and was masked by the heavy traffic of the road.

13/03/2015 04:00

Noise complaint from a wood chipper noticed at 04:00 am in the morning

Officer's comments: Site confirmed that they were not chipping at this time. Chipper was hired for 1.5 hours on 12/3/15 between 12:30 and 14:00. As agreed during their IPPC inspection they only run the chipper during working hours to reduce impact. Operator has contractor invoices and CCTV confirming when the wood chipper arrived on site. This incident was not substantiated.

Site operator emailed 25/03/2015 to confirm that wood chipping operations were due to start at 09:30 and finish approximately 11:00 am. Environment Agency received no noise complaints regarding this site.

14/04/2015 17:11

Noise complaint stating noise from an onsite wood chipper. Reporter used decibel reader reporting 80-90 decibels

Officer comments: Telephone call to site operator confirmed that the site was operating wood chipper between 17:00 and 18:00. Once again, concerns that the reporter's monitoring is being dramatically affected by the background noise from the busy road as it is heavily used during these times by traffic. Incident not substantiated

25/04/2015 18:46

Odour complaint. *Smell of chickens and concerns over pollutants in the air*

25/04/2015 18:50**SAME COMPLAINANT**

Odour complaint stating the site is clearing out the chicken sheds. *Caller noticed that this is happening on a 6 weekly pattern. Odour noticed up to 0.5 miles away.*

Officer comments: Site confirmed that no washing out is taking place. No noticeable odour observed during daily site checks. Complainant contacted twice in the space of 5 minutes and confident that the smell was because the site was washing out sheds. Fill date was approximately 30th of March and crop was only 24 days old. Cleaning does not commence at this age. The crop was cleared between 5 and 7 May 2015. Site operator made the point that they were in the middle of mucking out on the day of election. Many residents had congregated in the centre to vote and there was no mention of odour issues then. No additional complaints from other surrounding residents. Decision made not to attend and Incident not substantiated.

11/05/2015 16:15

Odour complaint reporting odour detected from over ½ a mile away. Rated 6/6. Calm weather conditions and warm.

Officer comments: Site operator was contacted and they confirmed that there were no chickens on site or in sheds at this time. Washing out of sheds was completed on 07/05/2015 and no birds were present on site from this date onwards. No onsite odour observed on site by operators. Concerns expressed by operators as no

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

birds on site could not be causing odour emission. Officer Emma Musgrove attended unannounced at 12/05/2015 at 13:20 operator was not pre warned. Boundary walks were completed and basic odour monitoring at various points in the surrounding residential estate. No odour was noted at boundary perimeter of site or at residential estate. Odour complaint was not substantiated.

ADDITIONAL COMMENTS

Emma Musgrove (PPC officer Environment Agency) and Dane Broomfield (Team Leader, Land and Water Team) attended site at 24/02/2015 11:00 to meet with site operators and carry out an IPPC inspection in accordance with their Environmental Permit.

Before conducting the audit, myself and Dane stood at the bottom of the driveway to Upper house farm approximately 180 metres from the permitted site boundary. The operators then commenced chipping wood with the contracted wood chipper they use to produce wood chip. The noise level observed was deemed compliant and at a reasonable level for site operations covered within their permit. They also carry out the wood chipping within working hours. The noise was not deemed frequent or persistent nor have an adverse effect on surrounding receptors. Also, the noise scrutinized from the nearby busy A road 'masked' the noise detected from the contracted chipper.

Furthermore, despite the noise level being compliant against the permit the operators actively tried to reduce the impact of noise from the chipper via modifying operations procedure. They ensure that all wood to be chipped is gathered and collected ready for when the chipper arrives. They also ensure they chip as much wood as would be required for a long duration of time to reduce the impact on surrounding residents. This dramatically reduces the time required for the wood chipper to run. The chipper runs on site for approximately 1 hour 30 minutes and is not required regularly, running on approximately 17 days a year. In addition, the operator emails the Agency when they will be chipping onsite. Some day when they have been chipping, no complaints have been received within the Agency.

The Agency completed a full IPPC audit against the operator's permit and no non compliances were observed. The odour management and noise management plan is modern and addresses all potential emission of noise and odour and has a contingency plan in place to prevent impact outside of the perimeter boundary. Furthermore, the site has an up to date emergency plan ensuring that in the event of emergency, procedures are in place to prevent emission of odour and noise in the event of a power cut. Operator confirmed that an up to date log is made containing all complaints. Operator also has invoices from the contracted wood chipper company that confirms times and dates when the chipper was present on site. These invoices do not correlate to all complaints such as 13/03/2015 at 04:00.



MEETING:	PLANNING COMMITTEE
DATE:	5 AUGUST 2015
TITLE OF REPORT:	150812 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 35 HOUSES AT LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG For: Mr Bates per Miss Lorraine Whistance, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150812&search=150812
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 19 March 2015

**Ward: Leominster
South**

Grid Ref: 348629,258732

Expiry Date: 26 June 2015

Local Member: Councillor PJ McCaull

1. Site Description and Proposal

- 1.1 The site comprises 1.28 hectares of relatively flat, overgrown rough pastureland that lies between residential properties on Barons Cross Road, Ropewalk Avenue and Westcroft. It is roughly rectangular in shape and is partially dissected by an overgrown hedgerow running through the middle of the site in an approximate east / west direction with a second hedgerow running roughly north / south, meaning that the site has three component parts.
- 1.2 The northern, eastern and southern boundaries all but residential properties, while a hedgerow forms the boundary to the west with agricultural land beyond. A small section of the eastern boundary is also shared with the play area on Ropewalk Avenue.
- 1.3 A pumping station in a fenced enclosure is located at the centre of the site with vehicular access gained via a gated entrance onto Westcroft, where the site has a road frontage of approximately 25 metres.
- 1.4 The application is made in outline with all matters apart from access reserved for future consideration, and is for the erection of up to thirty five dwellings, eight of which are to be affordable. The application includes an indicative layout to show how the dwellings might be accommodated on the site. This is based on a desire to retain much of the hedgerow that runs through the centre of the site. However, it should be noted that layout and landscaping are both matters that are reserved for future consideration.
- 1.5 The application is accompanied by the following documents:
 - Design & Access Statement
 - Transport Statement

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

- Flood Risk Assessment
- Ecology Survey & Mitigation Strategy
- Draft Heads of Terms Agreement

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	- Achieving sustainable development
Section 6	- Promoting sustainable transport
Section 6	- Delivering a wide choice of high quality homes
Section 7	- Requiring good design
Section 8	- Promoting healthy communities

2.2 Herefordshire Unitary Development Plan:

S1	- Sustainable Development
S2	- Development Requirements
DR1	- Design
DR2	- Land Use and Activity
DR3	- Movement
DR4	- Environment
DR5	- Planning Obligations
H1	- Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H9	- Affordable Housing
H15	- Density
T8	- Road Hierarchy
LA5	- Protection of Trees, Woodlands and Hedgerows
NC1	- Biodiversity and Development
NC8	- Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Core Strategy Deposit Draft:

SS1	- Presumption in Favour of Sustainable Development
SS2	- Delivering New Homes
SS3	- Releasing Land for Residential Development
SS4	- Movement and Transportation
LO1	- Development in Leominster
H1	- Affordable Housing – Thresholds and Targets
H3	- Ensuring an Appropriate Range and Mix of Housing
MT1	- Traffic Management, Highway Safety and Promoting Active Travel
LD1	- Local Distinctiveness
LD2	- Landscape and Townscape
LD3	- Biodiversity and Geodiversity
ID1	- Infrastructure Delivery

2.4 Neighbourhood Planning

Leominster Town Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 27 July 2012. The Town Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this

early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

- 2.5 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 DCNC2003/0917/O – Erection of eight dwellings, demolition of existing pump house and construction of new station - Refused 20/05/03 for the following reason:

The site is located outside the settlement boundary of Leominster as shown on Inset Map No. 1 in the Leominster District Local Plan (Herefordshire). Consequently, for policy purposes the site is located in open countryside where there is a presumption against further housing development unless there is an exceptional need for the dwellings. While the applicant has submitted evidence of affordable housing need, Policy A.48 of the Local Plan is considered inappropriate in this case in that this policy relates to development adjacent to villages only and not to Leominster. Accordingly, the proposal conflicts with Policies A.2 (D)(iv), A.48 and A.53 of the Leominster District Local Plan (Herefordshire), Policy H.20 of the Hereford and Worcester County Structure Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objections subject to the imposition of conditions to require that surface water is drained separately from the site and should not discharge to the main sewer. They also comment that the proposed development is within close proximity of a public foul sewerage pumping station and that no habitable buildings should be constructed within a 15m vicinity of the pumping station so as to minimise any effects of noise and odour nuisance.

Internal Council Consultations

- 4.2 Transportation Manager - The traffic uplift from the development is minimal and the highway network is easily capable of absorbing the traffic generated by the development. The proposal as presented is acceptable subject to the imposition of conditions.
- 4.3 Conservation Manager (Ecology) - No objection subject to the imposition of a condition to ensure that the recommendations as set out within the ecology report as submitted by the applicant are followed, and to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.
- 4.4 Environmental Health Officer (Contaminated Land) - Records indicate part of the site was formerly partially occupied by land associated with a brick works. This area is later described as an area of 'unknown filled ground'. These may be considered potentially contaminative uses. Accordingly any planning permission should be conditioned to require further investigation and mitigation.
- 4.5 Housing Officer - I can confirm that in principal I support the above application to provide eight affordable dwellings on the above site. The applicant has been in discussion with Housing Partnerships and the suggested mix and tenure meets the needs of the local area.
- 4.6 Waste Operations Team Leader - No objection to the design and Swept path analysis is acceptable for a refuse collection vehicle. However, a concern over just how narrow the road

layout is remains in that if any vehicle were to park on the edges then access into the site will be difficult without causing damage.

5. Representations

5.1 Leominster Town Council – Objects to the application and makes the following comments:

- The proposal is premature to the emerging Local and Neighbourhood Plans which designate adequate land locally to support additional development allocated for Leominster. This site is not one of those designated sites;
- The proposal is sited outside the limits of built development and outside the settlement boundary which is supported in both the existing Core Strategy and the emerging Local Plan for Herefordshire;
- The existing and emerging Local Plan has designated this site as being located in open countryside and this designation is still valid and supported by the emerging Neighbourhood Plan;
- The proposal will result in the infilling of an important open space which has a diverse and valuable ecological system and is home to many species of plants and wildlife;
- The proposal will be detrimental to the privacy and quality of life of the existing residents whose properties surround the site. The proposed dwellings will be located very close to existing properties and will result in overlooking issues and loss of privacy;
- The proposal would significantly increase traffic movements on a daily basis in the area and the current highway infrastructure does not have the capacity to cope with approximately 200 extra vehicle movements per day;
- The majority of the traffic will egress on to Bargates which is already a failing EU air quality hotspot.

5.2 Leominster Civic Society - Objects to the application and makes the following comments:

- The application site is outside the settlement boundary as supported by the Core Strategy. It is not a site designated for housing in the Local Plan and Neighbourhood Plans currently emerging.
- Sites which are not designated for development need to be conserved as part of Leominster's open spaces and are important to the survival of wildlife.
- The site provides an important 'green lung' and a vista of grass and trees which is a significant amenity to neighbouring houses.
- The Civic Society is concerned about the effect of traffic generated by these houses on the local network of fairly narrow streets. Additionally this traffic can only increase the severe air pollution problem at Bargates.

5.3 30 letters of objection have been received from local residents. In summary the points raised are as follows:

Policy Related Matters

- The site is outside of the existing settlement boundary.

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

- The reason for refusal given in 2003 is still valid. There have been no changes in circumstances since that time.
- The proposals are contrary to policy.
- The plans provide for access onto adjoining land to the west. The proposal represents piecemeal development.
- The application is opportunistic with weakened planning constraints.
- Housing should be in the right place at the right time. This might be the right place, but it is the wrong time.
- There is already sufficient development waiting to take place in the area.
- New development should take place on Brownfield sites such as the Barons Cross Camp site first.

Amenity Concerns

- The indicative layout would be particularly detrimental to the amenities of 76 to 80 Westcroft, causing significant overlooking, loss of privacy and loss of daylight.
- Air quality problems at the Bargates junction will be made worse by further development.
- The proposal is overbearing and out of scale in terms of its appearance compared with existing development.
- There are no green spaces within the locality and children currently have to play in the streets
- Anti-social behaviour within the Ropewalk Avenue play area will be increased if it is linked to a new area within the application site.
- The proposed development may lead to a rise in criminal activity.

Highway Issues

- The proposal will add to existing traffic problems, particularly around the junction of Westcroft and Westfield Walk.
- There is a bus stop opposite the proposed access to the application site. This is likely to cause a conflict in vehicular movements that will be detrimental to highway safety.
- There have already been a number of near misses along Westcroft and opposite the application site.
- Visibility is poor at the site entrance.
- This application should not be approved until the 'bypass' is constructed.

Ecology and Landscape Impact

- The woodland and grass paddock is an important landscape feature and a key component of the setting of Leominster. The proposal will erode this character.
- The area provides a valuable urban nature conservation feature and is a home for lots of local wildlife, including protected species such as bats and Barn Owls.

Drainage

- Properties on Barons Cross Road that bound the application site are all on septic tanks and the proposed dwellings may suffer odour nuisance from them.
- Sewage and drainage systems will not be able to manage the additional dwellings.
- The site is very wet and serves as a natural drainage area.

Other Matters

- Local services are already stretched; particularly the doctors surgery and local schools.
- There are inaccuracies on the application form, particularly with regard to flooding and the proximity of watercourses.

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

- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 Leominster is one of the county's market towns and the extent of its residential area is defined by Policy H1 of the HUDP. In the emerging Core Strategy it is anticipated that the town will accommodate a minimum of 2,300 new dwellings, of which approximately 1,500 will be provided on a strategic site on land to the south west of the town and the site to which this application relates.
- 6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the scale of the development proposed, the residential amenity of existing dwellings bounding the application site, highway safety and the loss of a green space on the edge of the town, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

- 6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

- 6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- 6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

- 6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.8 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of up to 35 dwellings, including eight affordable units, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached and, should the application be approved, would provide the justification for reaching a different conclusion to the outcome of the application that was refused in 2003.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme’s Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development: the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Leominster is one of the county’s market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population. It has a good range of shops, services and employment opportunities and the site is well positioned to access all of these facilities. Accordingly Leominster is considered to be a sustainable settlement and the delivery of up to 35 dwellings, including eight affordable, together with contributions towards public open space, sustainable transport and education infrastructure, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations and the Council’s Conservation Manager does not object to the scheme, subject to the imposition of an appropriately worded condition to mitigate the impacts of the scheme.

Impacts on Residential Amenity

- 6.15 As stated previously, the application has been made in outline with all matters apart from access reserved for future consideration. The applicant's agent has submitted an indicative layout plan with the application to show how the site might be developed if permission is granted in outline. This has given rise to objections from residents bordering the site who are concerned that development will be detrimental to their residential amenity and will cause unacceptable levels of overlooking and loss of privacy.
- 6.16 The layout provided as part of the original submission would certainly give rise to unacceptable detriment to the amenity of 76 Westcroft and this has been brought to the attention of the applicant and their agent. As a result they have submitted an alternative layout that shows bungalows rather than two storey dwellings on the adjacent boundary. Whilst this may be a more appropriate approach and would certainly lessen the impact on no. 76 as it would remove a significant amount of overlooking from first floor windows, some concerns remain locally. However, the alternative layout does demonstrate that there are alternatives for the provision of dwellings on the site. It is acknowledged that there are amenity issues to be addressed in the detailed design stage, but these are not considered to be so fundamental to prevent the grant of an outline planning permission.
- 6.17 Some objectors have referred to a pre-existing problem of anti-social behaviour around the play area on Ropewalk Avenue, and that this will be increased if it is linked to an area of open space on the application site.
- 6.18 There is nothing to suggest that a larger play area will give rise to a greater degree of anti-social behaviour. The way to address this is through the detailed design of the scheme, ensuring that the area of open space is overlooked and well used, so as to reduce the opportunity for anti-social behaviour. Given that this is an outline application, such matters could be addressed at the reserved matters stage, should outline permission be granted.

Highway Matters

- 6.19 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.20 There are two elements to the objections received on highway safety grounds. First that the position of the access to the site is unsafe and that appropriate visibility cannot be achieved. Second is that the proposal will generate additional traffic movements that cannot be accommodated by the existing road network, particularly around the junction of Westcroft and Westfield Walk.
- 6.21 The application is supported by a Transport Statement (TS). This considers in detail the potential impacts of the development on the local road network, including Westfield Walk and its respective junctions with the A44 (The Bargates) and Ryelands Road). The TS uses TRICS data to determine the average traffic movements from the development proposed. It suggests that these will amount to 19 trips (a combination of arrivals and departures to and from the site) during the AM peak (between 08:00 and 09:00), and 18 trips during the PM peak (17:00 and 18:00). The TS concludes that the proposed trip generation of the site would have a minimal impact on the surrounding highway network.

6.22 The Transportation Manager has visited the site and assessed the Transport Statement completed by the applicant's highway consultant and has advised that he is satisfied that the highway network is capable of accommodating the additional traffic that is likely to be generated by the proposal. The site is well related to Leominster Town Centre and would have ready access to a range of facilities by foot. There are regular local bus services and the site is within walking distance of the railway station. Whilst it is acknowledged that there is localised congestion on Westfield Walk as a combined result of the lack of parking at the doctor's surgery and of drivers using it as a 'rat run', it is not considered that the cumulative impact of existing road conditions and the proposed development are such that it would result in severe highway impacts that would make the application unacceptable. It is therefore concluded that the proposal is compliant with Policies DR3 and T8 of the UDP and paragraphs 30 – 32 of the NPPF.

Air Quality at the A44 Bargates Junction

- 6.23 The A44 Bargates junction is one of only three areas in the county that is the subject of an Air Quality Management Plan. Some objections have referred to this and have suggested that the proposed development will exacerbate the current situation and bring about a further decline in air quality at the junction.
- 6.24 The National Planning Policy Guidance (NPPG) contains information for practitioners about the type of information to be provided in a Transport Statement. It advises that statements should be proportionate to the development proposed and also makes specific mention of the need to consider likely environmental impacts of transport related development, particularly in relation to environmentally sensitive areas such as air quality management areas.
- 6.25 Accordingly the Transport Statement does include a section that considers the impact of the development on the Bargates junction. It identifies the fact that a management plan is in place and that some of its recommendations have been implemented; including the re-sequencing of the traffic lights, whilst other improvements are on-going. The annual traffic flow data from 2006 to 2013 has also been provided and demonstrates that movements through the junction have remained at a consistent level over the 8 year period, suggesting that air quality has not worsened over that time.
- 6.26 The issue to be considered here is whether the development will have a cumulative detrimental effect on air quality at the Bargates junction.
- 6.27 The traffic flow figures for the Bargates junction between 2006 and 2013 show an average annual daily flow of 16,000 vehicles. The proposed development is for up to 35 dwellings and is considered to be modest in terms of the traffic that it is likely to generate as confirmed by the Transportation Manager's comments, and is negligible in terms of the amount of traffic moving through the junction on a daily basis. Furthermore, drivers entering and leaving the application site would have a choice of turning left or right at the junction of Westcroft and Westfield Walk. Drivers turning left are more likely to turn left again onto the A44 rather than turning right and back towards the Bargates junction and therefore your officer would conclude that the proposed development would not have a demonstrable detrimental impact upon air quality.

Ecology and Landscape Impacts

6.28 The application site is surrounded on three sides by residential development and it defines the character of the area. Residential development continues further along Barons Cross Road and is punctuated by the Morrisons supermarket on its southern side. The proposal represents a logical 'rounding off' of built development and it is not considered that the site makes any meaningful contribution to the wider landscape setting of Leominster. It is not considered that

the scheme is detrimental to the landscape character of the area and therefore the proposal is compliant with policies LA2 and LA3 of the UDP.

- 6.29 The site has been surveyed by an appropriately qualified ecologist and his report has been independently assessed by the Council's Ecologist. The conclusion of both is that the likely effects of the development upon the biodiversity of the site can be mitigated through the imposition of conditions.
- 6.30 The applicant's intention is to retain a tree and hedge line that runs through the middle of the site. This has particular value as a landscape feature and also as a 'green corridor' for wildlife, and therefore an integrated approach to landscaping and biodiversity enhancement is vital to ensure that the scheme complies with policy NC8 of the UDP.

Drainage

- 6.31 Some of the letters of representation consider that there is insufficient capacity within the existing sewage system to accommodate the development. However, Welsh Water does not object to the application, subject to the imposition of conditions. In light of the response from a statutory undertaker, who are obligated to provide a connection to the mains sewer where available, your officers do not consider that there are grounds to refuse the application in this regard.
- 6.32 Objectors have also referred to a potential nuisance that might be caused to prospective residents arising from odours from existing septic tanks serving properties on Barons Cross Road. Your officers consider that this is likely to be a matter of maintenance and is not a justification for the refusal of this application.

Summary and Conclusions

- 6.33 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles.
- 6.34 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.35 The site lies outside but adjacent to the settlement boundary for Leominster and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. It is within walking distance of a range of local services and although only an outline application, it is evident that there are opportunities to ensure pedestrian permeability and connectivity. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.36 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice, including the provision of affordable housing, and in offering an amount of open space in excess of policy requirements, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.37 Officers conclude that there are no landscape, highways, drainage, ecological or other environmental issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.38 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 35 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Town Council and local community as regards the detail of any forthcoming Reserved Matters submission, paying particular regard to the concerns raised throughout the determination of this application with regard to residential amenity.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **C01 Samples of external materials**
6. **The development shall include no more than 35 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **H02 Single access – footway**
8. **H03 Visibility splays**
9. **H06 Vehicular access construction**
10. **H11 Parking – estate development (more than one house)**
11. **H18 On site roads – submission of details**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**

15. **H29 Covered and secure cycle parking provision**
16. **The recommendations for species and habitat enhancements set out in the Preliminary Herptofauna Mitigation Strategy from Nigel Hand dated June 2015 should be completed as approved before development commences on site. On completion of the mitigation measures, confirmation of the translocation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.**

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 Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

17. **G04 Protection of trees/hedgerows that are to be retained**
18. **G09 Details of boundary treatments**
19. **G10 Landscaping scheme**
20. **G11 Landscaping scheme - implementation**
21. **L01 Foul/surface water drainage**
22. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
 - c) **if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

23. The Remediation Scheme, as approved pursuant to condition 22 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

25. L02 No surface water to connect to public system
26. L03 No drainage run-off to public system
27. L04 Comprehensive and integrated draining of site

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.
2. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
7. HN24 Drainage other than via highway system
8. HN05 Works within the highway
9. HN28 Highway Design Guide and Specification
10. HN05 Works within the highway

11. The assessment required by condition 22 should be undertaken in accordance with good practice guidance and should be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. The assessment must also include asbestos sampling and analysis and this should be included with any submission.

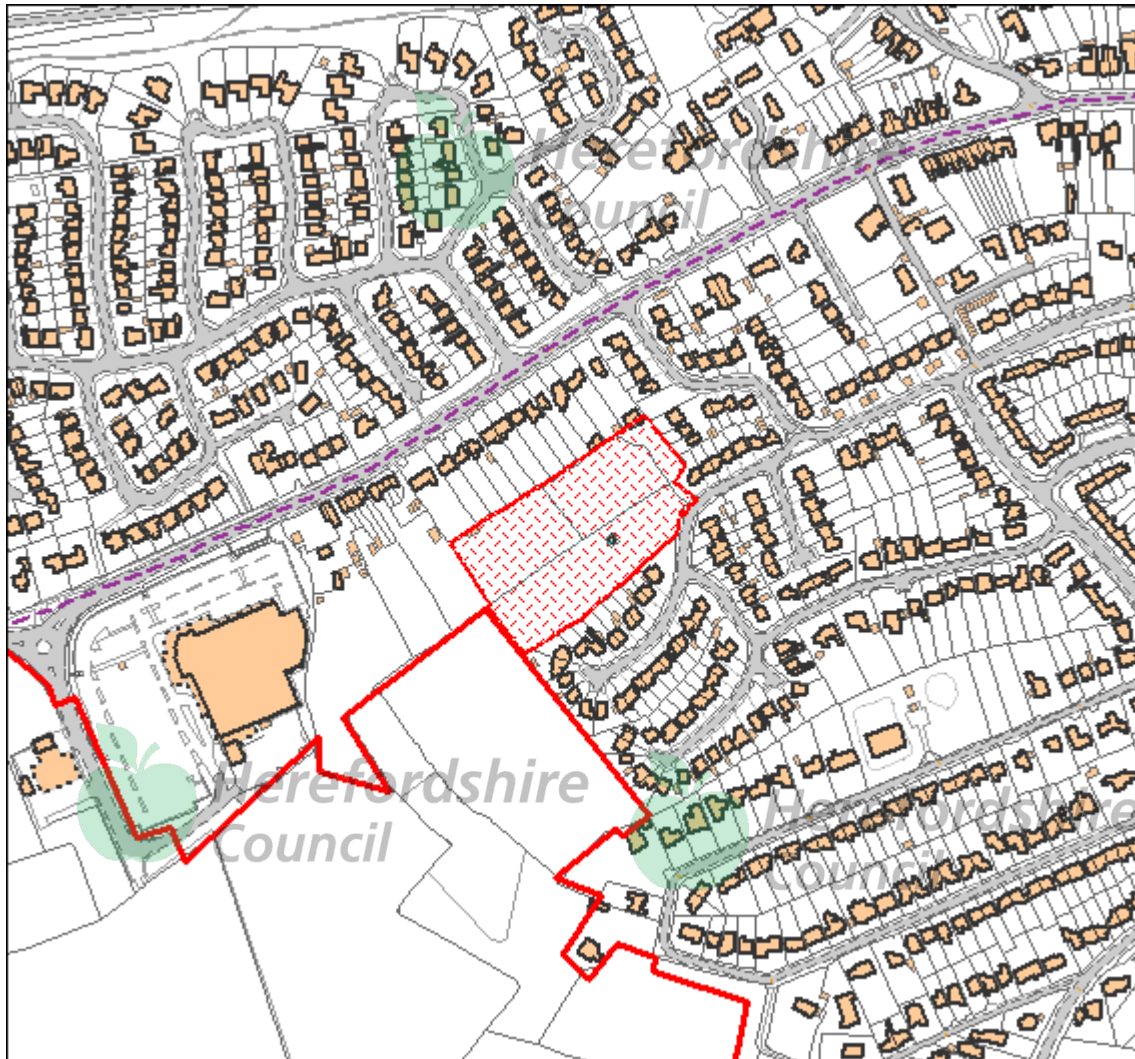
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150812

SITE ADDRESS : LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG

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

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – 150812

Site address:

Land at Westcroft, Leominster

Planning application for:

Residential Development for the erection of 35 dwellings and associated infrastructure

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,084 (index linked) for a 2 bedroom apartment open market unit

£1,899 (index linked) for a 2/3 bedroom open market unit

£3,111 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Leominster Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1,721 (index linked) for a 2 bedroom open market unit

£2,583 (index linked) for a 3 bedroom open market unit

£3,442 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport
- f) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling.
4. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted

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

sum calculated in accordance with the Council's tariffs over a 60 year period

5. The developer covenants with Herefordshire Council that 25% (8 units – on basis of development of 35) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
6. Of those Affordable Housing units, at least four shall be made available for social rent with the remainder being available for intermediate tenure occupation.
7. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
8. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 8.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 8.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
9. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 9.1. a local connection with the parish of Leominster
 - 9.2. in the event of there being no person with a local connection to Leominster any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
10. For the purposes of sub-paragraph 13.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - 10.1. is or in the past was normally resident there; or
 - 10.2. is employed there; or
 - 10.3. has a family association there; or
 - 10.4. a proven need to give support to or receive support from family members; or
 - 10.5. because of special circumstances;
11. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency ‘Design and Quality Standards 2007’ (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation ‘Lifetime Homes’ standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the ‘Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes’ or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
15. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Andrew Banks
Principal Planning Officer



MEETING:	PLANNING COMMITTEE
DATE:	5 AUGUST 2015
TITLE OF REPORT:	<p>151344 - PROPOSED ALTERATIONS TO ROOF, REPLACEMENT OF EXISTING ROOF VENTS WITH NOISE SUPPRESSION LOUVRES. ACOUSTIC PANEL SURROUND AND SILENCERS TO CHILLER UNITS AT BPI FILMS, WORCESTER ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 0QA</p> <p>For: Mr Cooke per Mr Stephen Potter, Pomona Office, Kings Acre Road, Hereford, Herefordshire, HR4 0SN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151344&search=151344
Reason Application submitted to Committee – Re-direction	

Date Received: 1 May 2015

Ward: Leominster East

Grid Ref: 350151,258605

Expiry Date: 8 July 2015

Local Member: Councillor JM Bartlett

1. Site Description and Proposal

- 1.1 The site is on the western side of the Worcester Road, Leominster. Waterworks Lane adjoins the north-western boundary and Clinton Road sub-divides the two sites comprising the factory. The northern block of buildings which is the subject of this proposal and more recently erected building, predominantly used for warehousing the plastic film produced is in the southern block. There are silos on the northern side of Clinton Road, a proposal for 3 silos on the southern side of Clinton Road i.e. adjoining the warehouse has not been implemented. There are industrial units on the eastern side of Worcester Road.
- 1.2 The proposal has two elements. The first relates to the roof of the northernmost building which houses extrusion units. Two extrusion units have been de-commissioned and will be replaced by one unit. The roof of the building is proposed to be altered by pushing the roof up by 2.9 metres near to the eaves and then with a very shallow roof joining the ridge on the north-western side. This roof section will be 33.5 metres long. The roof alteration will be no higher than the existing ridge. The sides of the roof projection formed will be in a matching colour and have an enhanced with enhanced acoustic insulation core. The south-east profile which already has 12 louvre panels will be replaced by new noise suppression louvres and supplemented by 6 further louvre panels.
- 1.3 The second element relates to a chiller unit on the south-western side of this building. This chiller unit is, in two blocks but is not visible from outside of the site i.e. from Waterworks Lane.

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

It is proposed to erect 3 metres high acoustic panels around the units and silencers around the 20 fans that project from the top of the two blocks of units.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 7	-	Requiring Good Design
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Environment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR9	-	Air Quality
DR13	-	Noise
E8	-	Design standards for employment sites
T8	-	Road Hierarchy

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Addressing Climate Change
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Local Distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
ID1	-	Infrastructure Delivery

2.4 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 P140671/F - 3 no. 1000 tonne silos on Clinton Road. Approved 28.8.2014.

3.2 N121335/F - Demolition of units 8, 9 and 10. Erection of warehouse extension, alterations to highway.

3.3 N121242/F - 3 new silos. Approved 21 9.2012.

- 3.4 NC2006/4029/F - Upward extension of existing buildings to install new machinery. Approved 21.2.2007.
- 3.5 NC2006/0504/F - Alterations to existing factory, installation of new machinery requiring aside roofing above. Approved 11.4.2006.
- 3.6 940491/F - Raising existing roof in extrusion department (Bonar Polythene Films Ltd.). Approved 20.9.1994.

4. Consultation Summary

- 4.1 Transportation Manger comments are awaited
- 4.2 Environmental Health and Trading Standards Manager has submitted the following comments:
 - 1. Environmental Protection has a history of noise complaints regarding this BPI Films site, which have been investigated over a number of years. The main complaints alleged a low frequency hum emitted from the factory was causing disturbance during the night. From our records the low frequency noise has been reported to disturb a few residents in the immediate area and up to 2 km from the factory.
 - 2. In November 2013 the Environmental Protection Service opened a new investigation into this complaint, where a thorough and impartial investigation was undertaken over 9 months. The investigation was conducted by competent and fully authorised Environmental Health Officers of Herefordshire Council. The method of assessment was both subjective (officers expert opinion) in accordance with the statutory noise nuisance assessment under the Environmental Protection Act 1990 and objective (taking and assessing sound measurements), in accordance with the BS 4142 assessment, NRNA45 Salford Low Frequency Assessment. Also consideration was made to the WHO Community Noise Guidelines. The sound level meters used were fully compliant with the BS 4142 requirements. The sound monitoring was carried out during night-time hours when the noise was reported to cause the disturbance predominantly and in the vicinity of complainant properties, identified within zones from the BPI Factory.
 - 3. The findings of this investigation did not identify a Statutory Nuisance at any premises monitored. The BS 4142 assessment, however, identified that general factory sound levels in Waterworks Lane within a 100m zone of BPI Films did indicate a significant adverse impact was likely. Within a 100m to 500m zone of the BPI Films factory an adverse effect was identified as likely. For all other zones outside of the 500m zone the BS 4142 assessment was not deemed as an appropriate assessment method as the BPI Factory sound was not sufficiently audible and discernible above the general residual sound of the area.
 - 4. All the NRNA45 Salford Low frequency assessments carried out inside the complainant properties did not identify a low frequency sound above the Criterion Curve.
 - 5. The officers identified a low frequency tone was audible to varying degrees outside the complainant properties. It was noted the general factory sound was clearly audible and a dominant sound within the 500m zone of the factory. However this area has historically been an industrial area and the sound was noted to be constant throughout the 24/7 BPI operation. This was an important factor when assessing the context of the area in relation to the sound witnessed. Outside the 500m zone of the factory the sound of traffic on the A49 and in Leominster was identified to be the dominant low frequency sound for the majority of the monitoring time. Hence, the factory sound was not deemed to be sufficiently loud to cause a significant adverse impact on the area, even though it was

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

just audible. Further from the BPI source, 1km and over, the weather conditions and traffic movements significantly impacted on the audibility of the sound; ranging from inaudible to just audible when monitoring outside of complainants' properties.

6. BPI Films were informed of the findings and recommended to review their noise controls to ensure 'best practical means' and 'best available techniques' were being applied to their Leominster site. In response to this request BPI contracted Nova Acoustics Ltd to assess the sound from the factory.
7. The supporting document, Nova Acoustics Ltd letter dated 24/04/15, identified two priority sound sources for improvement; to upgrade the high level untreated louvres to acoustic louvres and to fit silencers and screens to the chillers at the rear of the factory with expected sound reduction levels specified. From their assessment they highlighted that 'these two key areas are expected to see the most significant reduction in noise levels from the site and are deemed as the most effective and most practical method of reducing noise from site'.
8. In addition to these proposals we advised BPI to consider upgrading the acoustic attenuation properties of the building fabric of the new roof cladding proposed in this application. In response, BPI have included an upgrade of this cladding with Eurobond panels, with the specification included in their supporting documents.
9. The Company's planned equipment upgrade within the factory i.e. the replacement of two internal extrusion machines with a new 'state of the art' machine, does not form a part of this application, as it is our understanding the BPI do not require planning permission to carry out this work. However, we have considered this upgrade in our assessment of this application. BPI have given assurances the new equipment is quieter than the two machines it is replacing. Therefore the anticipated impact on the factory sound emissions would be minimal to negligible from the replacement machinery.
10. It is essential that the proposed changes to the premises are constructed appropriately to contain production sound and in this case reduce sound emissions where possible, so as to protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy. BPI's proposals state that this application is the Company's opportunity to bring about an improvement to the factories sound emissions to benefit their environmental noise profile.

Having considered the information provided, we have no adverse comments to make against this application as the proposals would appear to improve the current issue with regards to environmental sound. A reduction in environmental sound levels would be supported.

5. Representations

5.1 Leominster Town Council responded as follows:

Council had received three letters of objection to planning application P151344, the contents of which were duly noted. Verbal representations were also received.

APPLICATION: P151344 SITE: BPI Films, Worcester Road, Leominster HR6 0QA
DESCRIPTION: Proposed alterations to roof, replacement of existing roof vents with noise suppression louvres. Acoustic panel surround and silencers to chiller units
COMMENT: Council wishes to recommend refusal of this application due to concerns regarding the noise assessment reports carried out to date and wishes to submit the following comments and recommendations to the Planning Authority:

Prior to any planning approval being granted Herefordshire Council is urged through its Environmental Health Department to commission an independent noise report that addresses the requirements of BS4142:

- The work undertaken by the University of Salford Acoustic Research Centre on behalf of DEFRA should be used to help advise the independent noise report which should have a focus on the disturbance of low frequency noise.
- Following any works which may be undertaken at this site a further noise assessment report should be undertaken to assess whether any improvements had been achieved and identify additional action required to address any issues identified.

5.2 11 letters of objection have been received. The points raised can be summarised as follows:

- Lower frequency noise heard every night, sleepless nights.
- Undulating pulsating, not a constant 'hum' it is not constant impulsive tonal noise, sound travels through buildings.
- Building should be fit for purpose.
- Will be more fan noise.
- Lower frequency resonating noise, not addressed by this proposal i.e. sub 63HZ.
- Monitoring undertaken by HCC's EHOs flawed, wrong equipment.
- Need independent certification of improvements/noise abatement.
- Louvres will not work, noise will still be heard miles away. More holes in the roof.
- Oversight in 2006/7 by HCC as regards control of noise pollution, need to go back pre-2006 levels.
- New plant needs planning approval by virtue of earlier approval – DCNC2006/4029/F restricting new plant- should be in description.
- Impose conditions 7-10 of Circular 11/95.
- Needs to be BS4142 compliant.
- Restrict use to daytime only.
- Why not provide more insulation to chiller unit.
- Needs Environmental Impact Assessment and Flood Risk Assessment.
- No mention of flood risk.
- Increased traffic on A44.
- Building affects TV reception.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 In accordance with the Town and Country Planning Act 1990 (as amended) the principal considerations in the determination of this application are the acceptability of development in the street scene, the impacts of noise upon neighbouring amenity, the impact on the road network and the landscape as well as the flooding and drainage implications and the contribution of this proposal to the local economy.

6.2 The first issue is one of the key issues relating to the proposal and that is whether or not planning approval is required for the replacement extrusion unit. Planning approval is not required for the new unit given that the current proposal effectively supplants the planning approval granted in February 2007 (Reference DCNC2006/4029/F). Therefore, the issues relate to the new profile and the sound dampening measures proposed for the chiller unit. Details for the new plant are not required.

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

- 6.3 The change in roof profile will not detract from the amenity of the site or indeed the wider locality. This is given that the building involved is well screened from view from Worcester Road by a line of trees and by existing buildings and silos when viewed from Clinton Road, to the south. Therefore, the roof extension accords with Policies S2, DR1 and E8 of the Herefordshire Unitary Development Plan.

Noise

- 6.4 The main focus of representations received relates to low and high frequency noise emanating from the factory, this is particularly at night. This is a matter that has been the subject of monitoring by the Environmental Health Department in accordance with BS4142. The proposed measures which include improved acoustic measures to the roof, the replacing of existing louvres and sound dampening around and on the chiller units are measures that have been brought about by communication between Environmental Health and acoustic engineers acting on behalf of the applicant. Therefore, as regards this issue it pivots on whether or not what is proposed will improve the existing situation. The measures proposed as part of this application will have a positive impact and therefore the proposal in this respect accords with Policies DR2, DR7 and E8 of the Herefordshire Unitary Development Plan.

Highways

- 6.5 There are no highways issues relating to this application

Environmental Impact Assessment

- 6.6 This proposal does not require an Environmental Impact Assessment given the size of the proposal.

Flood Risk Assessment

- 6.7 An assessment was submitted as part of this application and given that the proposal relates to the roof space of an existing building and the provision of acoustic panels off the ground around two existing chiller units, there is no requirement for a Flood Risk Assessment.

Conclusion

- 6.8 The primary focus of representations received relates to the noise generated by this factory and a perception that nothing should be allowed until such time as this matter is resolved. However, the technical advice produced in relation to the existing factory over a 9 month period provides data that does not substantiate grounds for refusing this application indeed the measures proposed for sound dampening in relation to the chiller unit and upgrading existing louvres and insulating the roof space are encouraged. Therefore, taking this issue and the other issues raised highlighted above, your officers can only reasonably recommend conditional 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. C02 Matching external materials**

Informative:

- 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.**

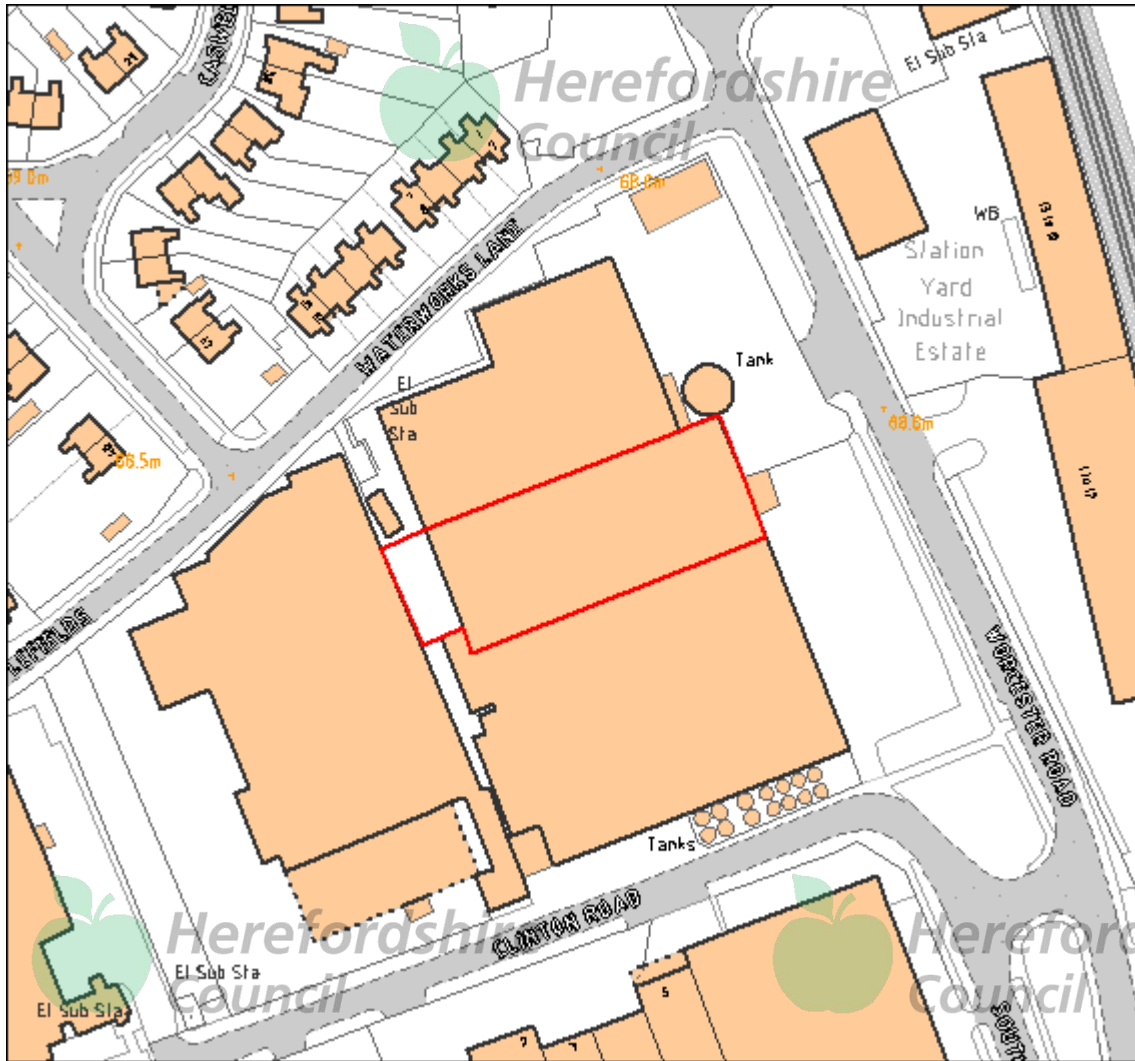
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151344

SITE ADDRESS : BPI FILMS, WORCESTER ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 0QA

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



MEETING:	PLANNING COMMITTEE
DATE:	5 AUGUST 2015
TITLE OF REPORT:	151121 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 NO DWELLINGS AT LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE For: Mr Stewart per Mr Alastair Stewart, 7 Sweetlake Business Park, Shrewsbury, Shropshire, SY3 9EW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151121&search=151121
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 14 April 2015

Ward: Mortimer

Grid Ref: 340346,274721

Expiry Date: 15 July 2015

Local Member: Councillor CA Gandy

1. Site Description and Proposal

- 1.1 The application site forms part of a larger field used for grazing. It lies immediately to the north of the recently constructed doctor's surgery and on the northern fringe of the village.
- 1.2 The site is positioned on rising land and is raised above the level of the A4113 by approximately 2.5 metres. The boundary between the two is comprised of a roadside bank with an unmanaged hedgerow on top. Other boundaries to the north and south are comprised of post and wire fences with some hawthorn trees along the northern boundaries. A public footpath runs in an east / west direction parallel to, but outside of, the application site to the north. The site otherwise has no other discernible features.
- 1.3 The proposal is made in outline with all matters reserved for further consideration and is for the erection of 10 dwellings. Although not specified as a matter to be determined, it is evident that access will be taken from the access road serving the doctor's surgery.
- 1.4 The scheme takes advantage of the recent amendments to planning legislation which provides an exemption from affordable housing and Section 106 contributions for residential development of 10 houses or less, with a combined floor area of less than 1000 square metres.
- 1.5 The application is supported by the following documents:
 - Design & Access Statement
 - Archaeological Survey
 - Ecological Assessment
 - Landscape Appraisal

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

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
ARCH1	-	Archaeological assessments and field evaluations
ARCH5	-	Sites of lesser regional or local importance

2.3 Herefordshire Core Strategy Deposit Draft:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning:

Leintwardine Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 13 October 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

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

- 2.5 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 There is no planning history specifically relevant to the application site. However, the planning permission for the doctor's surgery is relevant and its details are as follows:

N120960/F – Approved 13 July 2012 – The detailed plans include the provision of a new means of access directly on to the A4113.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water – No objections subject to condition

Internal Council Consultations

- 4.2 Transportation Manager - The access is existing and suitable for vehicular use. Details of pedestrian routing and provision will be required at Reserved Matters stage.
- 4.3 Public Rights of Way Manager – Footpath LX6 does not appear to be affected by the proposal. No objection.
- 4.4 Conservation Manager

Ecology – No objection subject to the imposition of a condition to ensure that the recommendations as set out within the ecology report as submitted by the applicant are followed, and to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.

Archaeology - The site has a degree of archaeological interest, particularly in the southern / eastern part of the site, where Roman period features and finds were present. However, the intermittent remains encountered do not seem to indicate a particularly high level of archaeological sensitivity and significance here. Any harm to the archaeological interest can be mitigated. Accordingly, subject to the attachment of a suitable archaeological condition to any permission granted, I would have no objections.

Landscape – The National Planning Policy Framework, Item 11, 109 states:

'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'

Proposed house plots number 6 and 10 are extremely close to the existing northern boundary hedgerow. Adequate space should be provided between the existing hedgerow and the proposed housing for maintenance requirements of this existing native hedgerow. The agricultural land classification of this site is a Grade 3 soil, which is a good to moderate soil.

The Herefordshire Unitary Development Plan, following policies state:

S1. Sustainable Development, *'Respecting patterns of local distinctiveness and landscape character in both town and country, safeguarding landscape quality and visual amenity'*

The landscape character of the proposed site is that of a 'Principal Settled Farmlands' which is composed of hedgerows as field boundaries. Proposed soft landscape boundary features

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

should emphasis this landscape character. The Landscape Strategy Proposals Drw No 1 shows that this is being proposed.

S2. Development Requirements, *'Taking a risk-based precautionary approach to flood risk and the effects of flooding elsewhere, having regard to indicative flood risk in the major flood plains of the Rivers Wye and Lugg and their tributaries'*

There is an area outside the site to the north which has flooding issues. Appropriate Sustainable Drainage proposals should therefore be proposed to identify how sustainable drainage is to be implemented on the proposed site, to control site water run off and water pollution control.

DR1. Design, *'Where relevant to the proposal, 1. All development will be required to, promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials. 2. Respect the context of the site, taking into account the landscape character and topography, including longer distance views and ridgeline'*.

The proposed site will require footpath access to the village via the High Street. There should also be a footpath connection to the existing ProW footpath LX6 on the northern boundary.

LA2. Landscape Character and areas resilient to change, *'Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character'*

On the southern side of the existing southern boundary hedgerow, a mown grass strip offers no biodiversity value to the existing newly planted native hedgerow. Native hedgerow ground cover flora should be planted adjacent and parallel on the southern side of this recently newly hedgerow to offer biodiversity value and visual amenity.

LA5. Protection of trees, woodlands and hedgerows, *'Through the enhancement and protection of individual trees, tree groups woodlands and hedgerows'*

Existing trees and hedgerows on site should be protected during the construction activities on site.

4.5 Land Drainage Engineer

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no flooding of the sewerage system up to the 1 in 30 year event and no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy;

- Proposals for the adoption and maintenance of the surface and foul water drainage systems. Prior to construction we would also require the following information to be provided;
- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

If infiltration testing indicates that surface water cannot be managed via soakaway, an alternative system must be proposed by the Applicant and approved by the Council prior to construction,

5. Representations

5.1 Leintwardine Group Parish Council object to planning application P151121/O on the grounds that:

- The Leintwardine Village Design Statement states that any development should protect existing views in & out of the village and asserts that any development should avoid masking or diminishing local landmarks.

Any building within the site would impinge upon the panorama leading into the village and would detract from the rural setting of Leintwardine. Policy LA2 of the UDP does not support any proposals which would have an adverse effect on the overall character of the landscape.

The proposed development would have a significant and demonstrable adverse impact on the setting of Leintwardine village. This would outweigh any of the benefits of the proposed development and be contrary to Policy LA3 “Setting of Settlements” of the adopted UDP and Paragraphs 132 and 233 of the NPPF.

- The proposed access to the site is below the brow of a hill with no clear visibility in either direction. There are already 3 other junctions onto the main ‘A road existing within a 20 metre stretch.

No allocation for pedestrians has been made within the proposal. There is no pavement from the site to the main A road and no pavement from the vehicular egress along the main A road to join the existing footpath.

Pedestrian egress would therefore have to be made by crossing from the site, across the Leintwardine Surgery access road and car park, and then using the Leintwardine Surgery footpath.

The vehicular access suggested would be shared with the existing Leintwardine Surgery. The surgery access already has issues because the splay is not sufficient and because the access road is not wide enough for 2 vehicles to pass each other.

10 new properties would substantially increase the amount of vehicular use within the area. This would undoubtedly create traffic issues and highway safety problems in the immediate vicinity, leading to pedestrian and vehicular conflict to the detriment of highway safety in the area. This proposal is therefore contrary to Policy S6 of the Herefordshire UDP and Paragraph 32 of the NPPF.

- Herefordshire Council’s Strategic Housing Land Availability Assessment designates the site as having considerable constraints. These constraints have not been mitigated within this planning application.

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

- The site is currently undeveloped and wholly tied to the historic setting of Leintwardine. The village of Leintwardine is located over the site of the Roman town of Branogenium. In recognition of its considerable heritage interest and significance, much of the village is a scheduled monument. Prominent earthworks reflecting the defences of Branogenium are still present in many locations, particularly along the western margin, close to this site.

The need for protection of scheduled monuments is clearly stated in both local & national policy.

Saved policy ARCH 3 of Herefordshire Unitary Development Plan (UDP) 2007 states that 'Development proposals and works which may adversely affect the integrity, character and setting of scheduled monuments will not be permitted'. Paragraph 132 of the National Planning Policy Framework (NPPF) stresses that the significance of a designated heritage asset can be harmed or lost through alteration or development within its setting and that the substantial harm to such assets should be wholly exceptional.

- Paragraph 14 of the NPPF states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Leintwardine currently has issues with capacity:

1. schools are full;
2. water treatment and sewage cannot cope with current usage and need work to enable them to meet existing demand;
3. the GP surgery is full & cannot obtain staff to meet demand;
4. the nearest available dentist is over 12 miles away;
5. water run-off along the High Street is already heavy and would be exacerbated by the proposed development.

The availability of employment within the area is low and public transport is wholly inadequate (there is currently no direct route to Hereford) which would necessitate an increase in vehicle use.

Creating large scale developments within the area in these current circumstances would be entirely unsustainable and contrary to Paragraph 14 of the NPPF.

5.2 Nine letters of objection have been received from local residents. In summary the points raised are as follows:

- The site is identified as having significant constraints by the Strategic Housing Land Availability Assessment (SHLAA).
- It occupies the highest point in the village and is visually obtrusive.
- The proposals would harm the scenic and distinctive rural character of the approach to the village and will degrade the local landscape.
- The development will cause light pollution.
- The development relies on an inadequate means of access
- The site is located beyond the settlement boundary and the scheme is a creeping, ribbon development.
- The indicative layout suggests that further development will follow. Such piecemeal development is unacceptable and is designed to circumvent Section 106 requirements.
- There has been no community engagement.
- Unsustainable development. No local employment and poor transport links.
- No capacity in the local primary school.
- Facilities in the village are limited and reliance will be on larger towns such as Leominster and Ludlow.

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

- The proposed density of the scheme is too high.
- The Leintwardine Neighbourhood Planning Group are about to make a 'call for sites'. It is regrettable that this application has been made in advance of this and it would be helpful if it were to be withdrawn so that residents can be involved in determining where development takes place.

5.3 Two letters with mixed comments have also been received. In summary the points raised are as follows:

- The site is acceptable in terms of its size and scale.
- The current access to the doctor's surgery has appropriate visibility splays.
- The houses would be screened by the existing roadside hedge.
- The roadside hedge must be retained to ensure that a rural aspect is maintained.
- The proposal is not ribbon development.
- Villagers have been vocal in objecting to other recent plans but have said that they are not opposed to smaller scale development that includes bungalows. The scheme is for 10 dwellings and is considered to be small scale, and includes four bungalows.
- Any permission should include a condition that the detailed design should follow the guidance set out in the Village Design Statement.
- There are no valid planning grounds to refuse this application.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Leintwardine is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Leominster Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, highway safety and means of access to the site, and the availability of services and employment opportunities locally, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council’s published position is that it cannot currently demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of 10 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme’s Sustainability Having Regard to the NPPF and Housing Land Supply

6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development: the economic, social and environmental dimensions or *roles*.

6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement by proposing to provide a mix of bungalows and two storey dwellings. Fulfilment of the environmental role requires the protection and enhancement of

our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.

- 6.13 Leintwardine is a main village within the UDP and also identified as a main village in the Herefordshire Local Plan – Core Strategy. Officers consider that in terms of access to local services that include a primary school, shop, public house and public transport the site is sustainable. The delivery of 10 dwellings, including four bungalows, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations. The Council's Archaeological Advisor has confirmed the findings of the archaeological appraisal and that there is limited sensitivity or significance on this site. He is content that any impacts can be mitigated by condition. Similarly the Council's Ecologist does not object to the application and recommends that a condition be imposed to secure a programme of ecological enhancements in accordance with the recommendations outlined in the ecology survey.

Landscape impacts and settlement setting

- 6.15 The application site is located approximately 250 metres north of the Conservation Area boundary and immediately north of existing built development. The character of the northern approach to the village has been changed considerably in recent years through the development of the new doctor's surgery and affordable housing scheme opposite, both of which have provided considerable social benefits. These developments set the context for this proposal in terms of built form.
- 6.16 The application has been submitted in outline, with all matters reserved for future consideration, including landscaping. However, the applicant has indicated their intention to retain the existing roadside hedge and this is also shown on the landscape strategy plan. The site can currently be seen from the A4113 when travelling in a northerly direction. However, the approved scheme for the doctor's surgery included planting along its northern boundary. This has been implemented and, once it becomes more established, it will serve to filter views of any development.
- 6.17 From more distant viewpoints the site is concealed by a combination of undulating landform, tree cover and neighbouring built form and the proposal would not assume any degree of visual prominence as a result.
- 6.18 The existing roadside hedge is integral to the approach to the village and, with its retention, it is considered that the setting and character of the northerly part of the village would be maintained. Although the proposal does extend development on previously un-developed land its scale and form are not considered to be at odds with the landscape character of the area and it is therefore concluded that the proposal is compliant with Policies LA2 and LA3 of the UDP.

Highway impacts

- 6.19 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*

- 6.20 Although not dealt with as a reserved matter, it is clear that the most practical way to provide access to the site is via the access created for the doctor's surgery. The junction details were carefully considered in respect of the application for the surgery and contrary to the objections received about visibility at its junction with the A4113, it is considered to be acceptable. This is reflected in the advice from the Transportation Manager.
- 6.21 It has been pre-supposed that the existing access to the surgery provides the most cost-effective and practical way of gaining access to the site. If the application is to be approved it is recommended that a condition specifically requiring this is imposed. The development will bring about intensification in use of the junction, but it is your officers view that it is more than capable of accommodating the additional movements that are likely to be generated without compromising highway safety. The scheme is therefore considered to be compliant with Policy DR3 of the UDP and paragraph 32 of the NPPF.

Other matters

- 6.22 One letter of objection has referred to the increase in light pollution that would result if the development were to be permitted. Given the scale of the development proposed and its relative proximity to the existing built form of the village it is not considered that this represents a valid reason to refuse the application. Street lighting is controlled by the Parish Council.
- 6.23 The ecological value of the field itself is limited. The importance lies in the habitat that the roadside hedge in particular provides and, as previously stated, it is to be retained. A detailed landscaping scheme, based on the landscape strategy submitted by the applicant, will also offer the potential to create ecological enhancements in accordance with Policy NC8 of the UDP.

Summary and Conclusions

- 6.24 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.25 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.26 The site lies outside but adjacent to the settlement boundary for Leintwardine and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The site is well served by a range of services that only exist in a few of Herefordshire's villages, including a doctor's surgery, primary school and shop. There is a potential to ensure pedestrian accessibility to and from the development to these services. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.27 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice, which will include four bungalows, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.28 It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village and officers conclude that there are no landscape, highways, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. The application is accordingly considered to comply with the saved policies of the UDP and the guiding principles of the NPPF and therefore is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **C01 Samples of external materials**
5. **The development shall include no more than 10 dwellings and no dwelling shall be more than two storeys high. In accordance with the details submitted with the application, at least four of the dwellings shall be bungalows.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H11 Parking – estate development (more than one house)**
7. **H18 On site roads – submission of details**
8. **H20 Road completion**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H29 Covered and secure cycle parking provision**
12. **The recommendations set out in the ecologist's report from Turnstone dated April 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they shall be implemented as approved.**

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

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

Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

- 13. G04 Protection of trees/hedgerows that are to be retained
- 14. G09 Details of boundary treatments
- 15. G10 Landscaping scheme
- 16. G11 Landscaping scheme - implementation
- 17. L01 Foul/surface water drainage
- 18. L02 No surface water to connect to public system
- 19. L04 Comprehensive and integrated draining of site
- 20. E01 Site investigation – archaeology

Informatives:

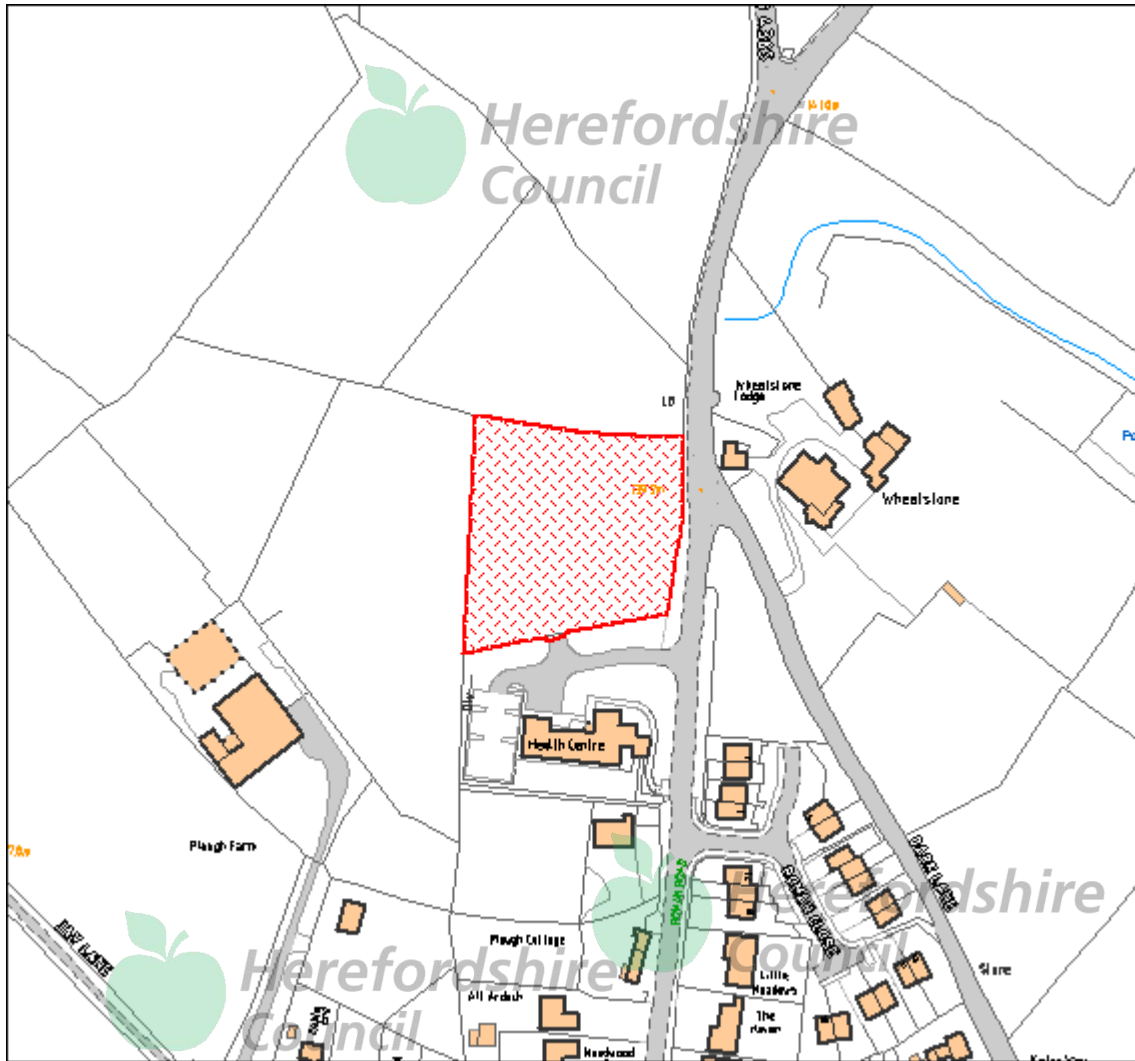
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN07 Section 278 Agreement
- 5. HN01 Mud on highway
- 6. HN28 Highway Design Guide and Specification

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151121

SITE ADDRESS : LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE

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