

Agenda

Planning and regulatory committee

Date: **Wednesday 10 October 2018**

Time: **10.00 am**

Place: **Council Chamber, 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:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson	Councillor PGH Cutter
Vice-Chairperson	Councillor J Hardwick
	Councillor BA Baker
	Councillor CR Butler
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor TM James
	Councillor MD Lloyd-Hayes
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor NE Shaw
	Councillor WC Skelton
	Councillor SD Williams

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES (TO FOLLOW) To approve and sign the minutes of the meeting held on 27 September 2018.	
5. CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6. 174246 - WILLEY COTTAGE FARM, WILLEY, PRESTEIGNE, LD8 2ND Proposed erection of an agricultural building for free range egg production with associated feed bins and egg packing and storage building.	11 - 40
7. 181296 - UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN Change of use of unit 10 from A1 to B2 (retrospective).	41 - 46
8. 182086 - 3 ROCKLANDS COTTAGES, BEARWOOD COTTAGE LANE, GOODRICH, HEREFORDSHIRE, HR9 6JQ Proposed ancillary annexe.	47 - 58
9. DATE OF NEXT MEETING Date of next site inspection – 20 November 2018 Date of next meeting – 21 November 2018	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

RECORDING OF THIS MEETING

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The council makes official audio recordings of meetings. These recordings are available via the council's website.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

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

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

The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairperson and vice chairperson.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting

- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

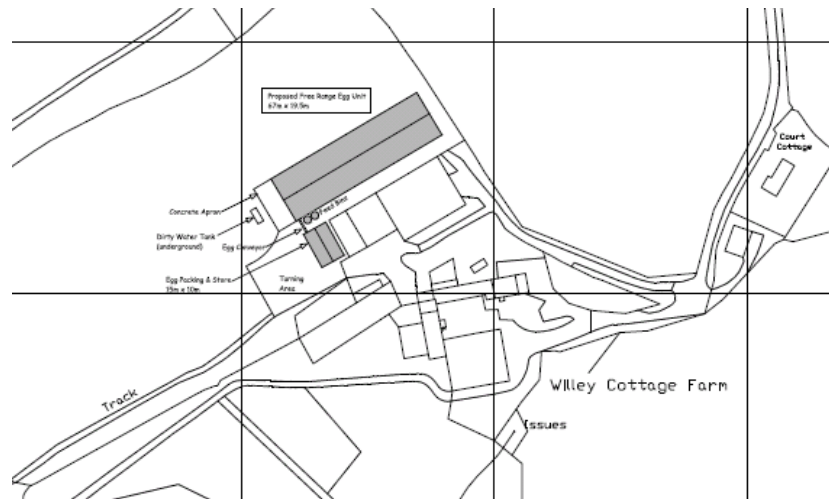
MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 OCTOBER 2018
TITLE OF REPORT:	174246 - PROPOSED ERECTION OF AN AGRICULTURAL BUILDING FOR FREE RANGE EGG PRODUCTION WITH ASSOCIATED FEED BINS AND EGG PACKING AND STORAGE BUILDING AT WILLEY COTTAGE FARM, WILLEY, PRESTEIGNE, LD8 2ND For: Mr Hodnet per Mr Ian Pick, Station Farm Offices, Wansford Road, Nafferton, Driffield, YO25 8NJ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174246&search=174246
Reason Application submitted to Committee - Redirection	

Date Received: 13 November 2017 **Ward: Mortimer** **Grid Ref: 332419,268441**
Expiry Date: 27 April 2018
Local Member: Councillor CA Gandy

1. Site Description and Proposal

- 1.1 The site to which this application relates is set in an attractive upland open countryside location, close to the Welsh border. The landscape character type for the area is Principal Wooded Hills. It is described as upstanding densely wooded hilly landscapes with a steeply sloping topography, the physiography of the land has inhibited clearance for agricultural use in the past and these landscapes are sparsely settled by farmsteads and wayside cottages.
- 1.2 The site itself is on rising land reaching 335m AOD and forms part of the landscape of The Warren and Stonewall Hill, which reaches 404m AOD at its summit.
- 1.3 The site is not subject to any designations itself but within the vicinity there is a special wildlife site; Lime Brook, and a Scheduled Ancient Monument; Willey Court.
- 1.4 The applicants are proposing to expand their farming business through the establishment of a free range egg production unit. The development comprises a 16,000 bird free range poultry building measuring 67m x 19.5m, together with an associated egg packing and storage building measuring 15m x 10m, feed bins and associated hard standings areas for parking and turning within the immediate vicinity of the building. The development otherwise relies on the existing farm access and driveway which emerges onto the U91621 to the north east of the site. The layout of the scheme is shown by the plan below:

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



- 1.5 The proposed building is to be sited on land immediately to the north of an existing farmstead. It is to be purpose built and the design is typical of this type of poultry building; consisting of a steel frame construction with profile sheet walls and roof.
- 1.6 The application site is located in open countryside and the general environs of the site are shown by the photograph below, which looks towards the site from the north-west:



- 1.7 Groundworks are to be undertaken with cut and fill to produce a level platform. This will involve excavation at the northern side of the site, and using the surplus spoil to build up the land levels to form the parking and turning area to the south.
- 1.8 The application is accompanied by the following supporting information:
- Phase 1 Ecology Survey
 - Landscape and Visual Impact Assessment
 - Flood Risk and Surface Water Management Report
 - Ammonia Screening Report
 - Manure Management Plan
 - Heritage Statement
 - Landscaping Scheme

1.9 Following the receipt of objections, the applicant's agent was asked to complete a Borehole Assessment, and this latterly formed part of the submitted documents to support the application. Its findings have been independently reviewed on behalf of the council through the commissioning of a hydrogeological assessment report. It is

referred to later in this report in the comments made by the council's Environmental Health Officer and in the Officer's Appraisal section.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy

The policies that are considered to be of relevance to the consideration of this application are:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement & Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Bio-diversity and Geo-diversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality
RA6	-	Rural Economy

2.2 National Planning Policy Framework (NPPF)

The following paragraphs and sections are considered to be relevant to this application:

- Paragraphs 1-14 (inclusive) – These set out the purpose of the NPPF and its presumption in favour of sustainable development
- Paragraph 109 – Refers to matters of highway safety
- Section 6 - Building a strong, competitive economy
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

2.3 Border Group Neighbourhood Development Plan

The draft NDP was sent for examination on the 2nd May 2018. At the time of writing the Examiner's report is still awaited. However, as the NDP has progressed this far, officers consider it should be given moderate weight in the determination of this planning application. Submission Draft objectives and policies of particular relevance to this proposal are summarised below:-

Objective two:

To encourage diversification within the rural economy of the group parish through supporting tourism, broadening the base of agricultural businesses and creating a balance between providing homes and jobs. Measures to make the best use of the area's heritage and landscape, providing broadband and improved tele-communications, supporting home working and producing local energy should be given a high priority.

Objective three:

To increase road safety, particularly on main roads, reduce the harmful effects of heavy traffic on country lanes and address surface water flooding on the local highway.

Objective five:

To maintain the character of the landscape and individual settlements within the Group Parish, in particular by reducing pressure on Lingen Conservation Area through directing development, where appropriate, to the edges of the village; by utilising suitable 'brownfield' sites especially where this enhances neutral or negative features within the settlements; and by avoiding potentially harmful forms of development which may adversely affect the character, appearance and tranquillity of the settlements.

Policy BG1: Promoting a Sustainable Community

Within the Border Group of Parish positive measures will be supported that promote sustainable development in accordance with the principles and policies set out in this Neighbourhood Plan. Where development proposals are advanced they should, in particular, address the following high-level priorities that are considered essential for maintaining a cohesive and resilient community.

- a) The highest priority will be given to ensuring new homes meet the needs of local people;
- b) New development should be located and designed to reflect and support the character of the particular settlement or rural landscape within which it is to be located;
- c) The development of the local rural economy will be supported in particular by enabling the diversification of businesses and employment opportunities but ensuring any new development does not detract from features that support the local tourism industry;
- d) Development should not result in danger from vehicles or traffic that cannot be accommodated upon the local highway network, both in terms of highway capacity and effect upon local amenity. Measures to reduce danger and the effect of traffic upon communities should be pursued.
- e) The multi-use of local facilities and provision of infrastructure to support broadband and telecommunications will be promoted to improve accessibility to services where practicable.

Development proposals must comply with the policies in this Neighbourhood Plan. Where this Plan does not cover a proposal, any decision should reflect, where possible, the community's sustainable development priorities set out above and policies within Herefordshire Core Strategy, in particular Policy SS1. Where there are overriding material considerations that indicate these policies should not be followed the benefits sought in relation to the priorities set out in this policy should remain pertinent to compensatory or mitigation measures sought as part of any proposal.

Policy BG14: Supporting Local Business

Proposals for the development of local businesses will be supported where they result in sustainable economic growth. The following criteria are considered important in determining whether such development is considered sustainable economic growth within the context of the group of parishes:

Development proposals should be in scale with the rural character of the group parish or settlement in which the site is located, as the case may be;

- a) Proposals for industrial based employment uses within settlements and particularly Lingen Conservation Area should be restricted to Use Class B1 - Business;
- b) The amenity of nearby residents is not adversely affected; There will be no detrimental effect upon the local highway network as a consequence of traffic generated by the proposal;
- c) Opportunities should be taken to develop routes and off-site measures which facilitate and encourage active travel;
- d) Small scale light or general industry, in particular craft-based operations or sustainable technologies will be encouraged to locate in suitably converted rural buildings, or on brownfield sites provided they comply with the general criteria set out in this policy;
- e) There will be an emphasis upon the use and conversion of rural buildings to employment uses;
- f) Proposals should avoid obtrusive external storage and paraphernalia or provide effective screening where this is necessary;

- g) Potential polluting effects of any enterprise should be fully mitigated, and where they cannot, permission will be refused;
 - h) Diversification proposals meeting the above criteria will in particular be supported where this retains essential services and facilities through increasing their viability.
 - i) Tourism enterprises will be supported where they are appropriate to the area's rural character in terms of their nature and scale;
- Proposals for change of use of existing business premises away from employment activity will need to demonstrate that the existing use is no longer economically viable.

Policy BG17: Highways and Transport Infrastructure

Measures will be promoted, in association with Herefordshire Council, to reduce the impact of vehicles upon amenity, address community concerns and promote greater accessibility, including through public transport. In particular proposals to address the speed of vehicles approaching and travelling through Adforton will be sought.

Where development proposals are advanced these should ensure:

- a) There should be safe access onto the adjacent roads.
- b) Proposals would not result in on-street parking but should provide adequate off-street parking for residents and visitors, and preferably address the reduction of any on-street parking problems that may exist within the vicinity.
- c) Proposals should not lead to a significant increase in speed or the volume of traffic travelling through settlements within the parish or on roads that do not have sufficient capacity.
- d) The nature of the development does not lead to pressure for the provision of street lighting.
- e) Opportunities should be taken to develop routes and off-site measures that facilitate and encourage active travel.

- 2.4 The Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 **Natural England:** No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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.

European sites – River Wye Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- *Manure management plan*
- *Run-off from the proposal will be dealt with appropriately as described in the FRA – Flood and Drainage report this should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.*
- *Ammonia report conclusion suggesting that process contribution is below the thresholds using the cautionary CL of 1µg/m*
- *Preliminary Ecological report*

River Wye/Lugg Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

4.2 Welsh Water: No objection

We have no objection to the above application

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.3 Historic England: No objection

The proposed agricultural building for free range egg production with associated feed bins and egg packing and storage building is approximately 200m north-west of the scheduled ancient monument of the post-medieval house and gardens at Willey Court (National Heritage List for England UID: 1017251). Willey Court is located on the north east side and valley bottom of the steep narrow valley of the Lime Brook, and is geographically isolated in a hill and valley landscape. The house and terraced gardens were located in order to exploit the extended landscape views down the valley and across the adjacent hills to the south and east.

Due to the proposed location of the agricultural building to the north-west, the intervening topography and the original intended focus of Willey Court to the south and east, there will be a negligible, if discernible, change to the setting of the scheduled ancient monument by the proposed building which will not impact on the significance of the asset.

Recommendation

Historic England has no objection to the application on heritage grounds.

4.4 Environment Agency: No comment

I have received consultation on a proposed free range egg production building at Willey Cottage Farm (174246). As the proposed bird numbers are less than 40,000 (16,000 in this instance) we would not regulate the site under the Environmental Permitting Regulations (ERR) and I would have no comments to make. You are advised to seek the comments of your public protection team.

Internal Council Consultations

4.5 Traffic Manager

4.5.1 The application is to diversify the current beef and sheep farm and develop a 16,000 bird free range egg producing and separate egg packing unit. With all applications of this nature we expect the applicant to provide a clear and in depth Transport Assessment detailing the prior and proposed usage, the impact on the immediate area in terms of journeys in and out of the site as well as its impact on the network of both Herefordshire and Powys County Council's. These applications receive a level of scrutiny by the public that demand that all aspects of the application are assessed along with animal welfare on site and to and from the site. A Transport Assessment has not been supplied.

4.5.2 The application has come in with no background traffic information on the existing situation in the lane or surrounding area.

4.5.3 The site will require a Traffic Management plan that confirms the routes that the site traffic will use through out the 60 week cycle of the flock, egg collection, delivery and removal of the birds, feed, removal of dead birds, waste removal, staffing and any other aspects of the operation. The access to and from the site is less than ideal with significant gradients reduced carriageway widths and no passing places along the route along with other issues which we will go into.

4.5.4 The information I have, has been gleaned from the design and access statement. The figures I deduce will form a level that will need re-application / or full submittal of a Transport Assessment should the figures differ from the actual operation.

4.5.5 This application is deemed by us as a maximum amount of birds on this site and any increase above the proposed 16,000 birds will require a new application. No intensification above this application will be a condition of any approval.

4.5.6 An application for wind turbines was approved with conditions and improvements to the network nearby but the improvements have not been implemented. (143816)

4.5.7 The on site free range egg laying flock cycle:

Birds bought to site week 1

Manure removal weekly through out the 60 week flock cycle.

Feed deliveries every 2 weeks through out the 60 week flock cycle

Egg collection daily 7 days a week throughout the 60 week flock cycle

Removal of carcasses stored on site removed once a week through out the 60 week flock cycle

Birds sold off site week 60

Cleaning process

14 week old Birds bought to site week 1

Manure removal weekly through out the 60 week flock cycle.

Feed deliveries every 2 weeks through out the 60 week flock cycle

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

Egg collection daily 7 days a week through out the 60 week flock cycle
Removal of carcasses stored on site removed once a week through out
the 60 week flock cycle

Birds sold off site week 60

4.5.8 Applicant's Design and Access statement states:

Traffic generation associated with this development is very low and will involve the following vehicles:

- *2x16.5m HGV's per 60 week flock for bird delivery*
- *2 x 16.5m HGV's per week for egg collection.*
- *1 x 16.5m HGV every 2 weeks for feed delivery*
- *1 x tractor and trailer per week for manure removal*
- *1 x Box Van per week for carcass collection*

The predicted traffic generation during the normal operation of the site is 4.5 vehicles per week (9movements), which includes 2. No. HGV's (5 movements), 1 x box van (2 movements) and 1 x tractor and trailer (2movement).

The unit will be staffed by existing family workers who live on the site, therefore no additional staff traffic will be generated.

4.5.9 The figures supplied do not indicate an issue in terms of capacity on our Network, though this needs additional confirmation from Powys County Council and will be conditioned.

4.5.10 The Applicant's Design and Access statement states the route to and from the site. This will also need to be a condition of approval should it be granted.:

All commercial vehicles will be routed to / from the A4113 at Knighton. The routing is west from the farm entrance for 1000m to the T junction (the route as this point passes from Herefordshire into Powys), and then north following Llanshay Lane for 4km to Knighton. The 4km route following Llanshay Lane to Knighton is well served with inter-visible passing places.

4.5.11 The route used is a recognised National Cycle Route(NCR 25) it is important that the route has sufficient passing places to allow safe passage for all users. It was noted on the site visit that the verges in a majority of places are soft and show signs of being over run.

4.5.12 There are insufficient passing places along the U91621 to the T junction at Stonewall Hill. This needs to be addressed and will be conditioned.

4.5.13 There appears to be a number of passing places within Powys County Council's jurisdiction but these need to be agreed in writing with them.

Highway capacity:

4.5.14 The network has capacity for this application, but any intensification above the supplied figures would require a new Planning Application with a full Transport Statement.

4.5.15 The indicated route of operations to and from the site is along single track lanes with very limited passing places. Whilst the volume of traffic is not severe we still consider that the applicant must produce a Traffic Management Plan identifying the exact routes to be taken to and from site through out the sites operation. This must be approved in writing by both Herefordshire Council and Powys County Council This will be conditioned with any Approval

4.5.16 The site is rural and accessed off single track network not conducive to other modes of transport.

Access:

Safety

Available Accident Data no accidents recorded in the area

Speed limit: National (60mph)

Proposed visibility splays in both directions:- 2.4 metres (X distance) x 90 metres (Y distance)

4.5.17 The access is existing. The applicant has increased the turning out radius to 20 m to allow HGV movements out of the site. We would like to see a pull in before the access for vehicles to wait while any HGV operation entering the site.

4.5.18 We will require evidence that a HGV can pull into the site with a vehicle waiting at the access by a tracked plan

4.5.19 There are considerable distances of single track lanes in and out of the site that mean passing bays every 500 metres need to be incorporated. These bays must be within the applicant's ownership or the highways authority. The passing bays must be constructed to an adoptable standard and have full written sign off of the relevant Highway authority, prior to the operation of the Egg unit. This is to include the pull in at the access as discussed above.

COMMENTS:

Proposal acceptable, subject to the following conditions and / or informatives:

- Traffic Management Plan This must be approved in writing by both Herefordshire Council and Powys County Council
- No increase in Bird numbers above the 16,000 submitted or other intensification above this application without a new full application approval and any approval given is limited to the volume of journeys as laid out in the applicants Design and access statement.
- Construction management plan to be supplied and approved in writing by both Herefordshire Council and Powys County Council

CAB - H03 Visibility splays as per supplied plan IP/RGKH/04

CAL - H13 Access, turning area and parking

- Evidence that a HGV can pull into the site with a vehicle waiting at the access by a tracked plan signed off by Herefordshire Council

CAP - H17 Junction improvement/off site works

- Locations and construction details of the required passing bays signed off by both Herefordshire Council and Powys County Council, with ownership of land required to be proven.

CAQ - H18 On site roads - submission of details

- Pull in bay plan at site access on applicants land to be submitted and approved by Herefordshire council

CB4 - H31 Outline Travel Plan

4.6 Service Manager Built and Natural Environment (Landscape Officer):

- 4.6.1 The proposal is for a free range egg production unit on land at Willey Cottage Farm. Pre-application advice was sought for a similar scheme of 76x 19.5m in April 2017; after a site visit was conducted the landscape comments below were issued in respect of the proposal:

Given the nature of the topography I am not convinced that the proposal site lends itself to this type of development. A proposal of this length will extend significantly beyond the existing farm buildings, giving it an industrial scale with a blocky, uniform appearance at odds with the existing built form.

The nature of the landform is such that it is likely that extensive earthworks will be required and the current access is such that it is likely to need significant upgrading to meet highways requirements - the effects of which will need to be factored into any landscape appraisal.

The character of the landscape is wooded which will offer a degree of screening however the site is located on prominent land and there will be clear views of the proposal from PROW WE4. The site is not subject to any designations itself but within the vicinity there is a special wildlife site; Lime brook and a scheduled monument; Willey Court any potential impacts upon these designations will need to be considered.

From a landscape perspective I have concerns that a proposal of this nature may conflict with policy LD1 of the Core Strategy. Given the sensitive nature of the landscape any proposal would need to be submitted with a landscape appraisal as well as sectional drawings to indicate the degree of cut and fill required. Drawings indicating the height of the proposal in relation to the existing built form at the farm will also be required. Any landscape mitigation proposed should be submitted as part of the application so that all potential landscape effects and their mitigation can be considered.

- 4.6.2 Following on from a site visit with the planning officer, agent and applicant the layout of the proposal was reviewed and it was agreed that with a number of amendments (set out below) the impact of the proposal could be reduced to an acceptable level.

- Shifting the unit in easterly direction
- Separating the packing unit
- Moving the concrete apron to the western end of the building with the turning area to the south
- The introduction of substantial degree of mitigating planting

- 4.6.3 Having seen the revised drawings and read the Landscape and Visual Impact Assessment I am satisfied that the amendments proposed will allow for the newly proposed building to be read as part of the existing units within the landscape. In scale it will now relate to the existing in terms of both height and length and with careful consideration to colour it will relate to the units immediately south.

- 4.6.4 The visual envelope is relatively limited although were there are potential effects from the nearby PROW these have the potential to be significant. Substantial mitigation is however proposed and this will reduce adverse effects.

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

4.6.5 In respect of the landscaping proposed I do have several minor amendments in order to bring the planting in line with the landscape character type; Principal Wooded Hills and to avoid it appearing contrived within the landscape and I have set these points out below, the landscape plans can be amended accordingly:

- The proposed woodland belt further to the west should be an unbroken line extending northwards from the existing tree belt along the watercourse.
- The newly proposed hedgerow to the west should be planted with hedgerow trees the full length in particular oak.
- The proposed woodland belt should follow the line of the hedgerow to the north and west and avoid cutting across the field as this will appear incongruous within the landscape.

4.6.6 Conditions should be put in place in respect of a management plan for a period of 10 years because of the extent of tree planting. Minimum hedgerow heights of those shown in plans should be shown indicated to assist in screening views. The colour of the units should be agreed via a condition with the local authority as should any external lighting.

Comments in response to submission of an amended landscaping plan:

4.6.7 No objection

I have seen the amended plans for Cottage Farm, Willey. I am satisfied with the amended planting shown and consider it compliant with LD1 of the Core Strategy.

4.7 **Service Manager Built & Natural Environment: Ecology:** 14th December 2017 – No objection subject to a condition

I note that this proposal has been assessed with additional ammonia screening which demonstrates that there will be no emissions impact above the thresholds for any statutory or non-statutory sites. The guidance from the Environment Agency, the competent authority, has been used in compiling the report. Although there is a local wildlife site nearby the development will be further than 50 metres from the site; the EA do not consider there to be impacts from ammonia emissions on aquatic habitats in any case. I have read the ecological report and agree with its findings in that impacts are likely to be minimal on biodiversity. I advise adding a non-standard condition to any approval as follows:

The recommendations set out in the ecologist's report from Craig Emms dated October 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat/species protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme 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 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

4.8 Archaeological Advisor: 7th December 2017

Having regard to the submitted information (including the heritage impact assessment provided by Castlering Archaeology), I have the following comments to make.

- Owing mainly to the topographic position of the proposed works, there will be only very minor changes to the 'setting' of the principal heritage assets in the local landscape.
- There is no evidence that any below ground remains of significance would be directly disturbed by the works.
- Accordingly, I would regard the proposal as being policy compliant and have no objections.

4.9 **Environmental Health Officer:** Noise and nuisance

From a noise and nuisance perspective regarding potential impact on the amenity of any neighbouring residents our department has no objections to this application.

4.10 **Environmental Health Officer:** Contamination and human health

I refer to the above application and would make the following comments in relation to contaminated land and human health issues. I've no comments to make.

4.11 **Land Drainage Consultant**

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. This planning permission has been supported by a Flood Risk Assessment.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations and Sources of Flood Risk

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. The Applicant has stated that the finished floor level will be set at 337.5m AOD. The surrounding site levels are steeply sloped down towards the southwest. Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The Applicant is providing an attenuation basin which has been designed to cope with the 1 in 100 year + 40% climate change event. 190mm of freeboard is being provided above the maximum flood level, whereas we consider 300mm of freeboard to be provided.

Foul Water Drainage

The Applicant should ensure that a diverter valve is fitted to ensure that dirty water during wash down events is diverted towards the dirty water tank.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- The Applicant should provide 300mm freeboard above the maximum flood level in the proposed attenuation basin;
- The Applicant should confirm that a diverter valve will be fitted to ensure all dirty water during wash down events is diverted to a dirty water tank.

4.12 Environmental Health Officer (Private Water Supplies)

In response to the applicant's hydro-geological report (J D Groundwater Ltd February 2018) and the independent report commissioned by the Council (HydroGeo Ltd June 2018) the Environmental Health Officer comments as follows:-

I am in receipt of the independent hydrogeological assessment report commissioned by the local planning authority regarding the potential impact on local private water supplies of the additional water abstraction arising from a proposal for an egg laying unit. I understand that the applicant has already supplied a hydrogeological assessment report (J.D Groundwater Ltd in February 2018) which concludes that the additional abstraction does not pose a risk to existing spring, well or borehole water supplies. The applicant's report undertakes some recharge area and drawdown calculations and concludes that the proposed increase in abstraction would produce a very additional small drawdown range from the borehole and a small recharge area.

In summary, the independent hydrogeological assessment report written by Chris Betts of HydroGeo Ltd and commissioned by the Council concludes that the findings of the applicant water assessment are correct. Additional information has been obtained by these consultants in a 2 day field site visit site and in addition to confirming the findings of the drawdown and recharge calculations undertaken by J.D. Groundwater Ltd a water balance has been undertaken which also demonstrates that there will be no risk to existing water supplies.

4.13 Public Rights of Way Officer: No objection

5. Representations

5.1 Powys County Council – Highways

I have now considered the details submitted with planning application P/174246/F and have undertaken a site visit along the proposed route for the HGV's that will be generated by the development.

Whilst the route is generally lightly trafficked I am unable to support the applicant's agent's statement that "The 4km route following Llanshay Lane to Knighton is well served with inter-visible passing places." In fact there is a lack of passing places along significant lengths of the Class III C1064 within Powys. Fortunately, there are sufficient areas of highway verge where additional passing bays could be provided and we would support the development provided that a minimum of 6 passing bays are constructed within Powys, to this Authority's specification, prior to any works being commenced on the proposed poultry unit.

We support the comments and suggested conditions recommended by the Transport Department of Herefordshire Council.

5.2 Border Group Parish Council

Supports application number P174246/F, but asks that the following points be given careful consideration:

1. Please allow an extension to the consultation period. Members of the Public, and the Parish Council, have not had the opportunity to read all the documentation as they are not available on the website, as the planning department knows.
2. Please include conditions to protect the area from light pollution.
3. The source(s) of the Lime Brook are in the vicinity of the application. Please ensure that water quality is protected.
4. Please include conditions to protect from air pollution and ensure monitoring.
5. Please could notice be taken of any archaeology during construction.
6. Could it be noted that the access road via Llanshay Lane is impassable during bad weather.
7. Please ensure that the proposed access route via Llanshay Lane is complied with and monitored.

5.3 Presteigne and Norton Town Council

The Town Council has viewed the application and has no objections providing the vehicle movements (including those disposing of waste) are routed as stated in the design and access statement and do not pass through Presteigne or Norton. The route from Stapleton through Presteigne town is unsuitable for such traffic and the section along Broad Street and around the corner into Hereford Street is particularly difficult for larger vehicles with traffic often being held up at the corner as it is difficult for vehicles to pass at this point. The Town Council requests that this is a condition of any permission granted.

5.4 32 letters of objection from individual correspondents have been received. The content is summarised as follows:-

- Intensive poultry rearing can give rise to a terrible stench, exacerbated in hot weather. This odour will affect the residential amenity of residents living nearby, has the potential to adversely affect local, sustainable tourism businesses and reduce 'tourism footfall' in an area that depends to a large extent depends on tourist expenditure. This is contrary to Core Strategy Policy RA6 and policy BG1 of the NDP;
- The application does not adequately describe the potential impact of the proposal on local water supplies and water resources in general. All of the dwellings in the local area rely on borehole or spring water for their drinking water supply. The proposal will potentially require c. 3 million litres of water per annum. There is no assessment on the potential impact of this draw on the existing water supplies to local dwellings and businesses. This must be assessed independently before a decision is taken.
- The application acknowledges that surplus manure will have to be exported off site if Defra codes in relation to nitrogen loading are to be met. However, fields identified as potential recipients for manure spreading are located very close to the Lime Brook, of which very little reference is made within the application. This brook is a tributary of the R.Lugg and in turn the R.Wye SSSI/SAC. Certain reaches of both main rivers are known to be exceeding the requisite nutrient loadings and this proposal could exacerbate this issue further in contravention of CS Policy SD4. Nor has the impact of such spreading on the quality of private water supplies been considered.
- The access to the proposal is via narrow, steep country lanes that are in a very poor state of repair and used widely by non-motorised users, including walkers, horse-riders and cyclists. These lanes are often impassable during periods when we have snow. The local network is thus unsuitable for further movements associated with what is, in effect, an industrial building.
- Is Powys Council aware of the additional burden that this proposal in Herefordshire is going to place on its highways? Livestock production units are exempt from business rates, so the cost of undertaking repairs will fall on the local authority.
- The turn into the unclassified lane from the A4113 is via a very tight junction, which again is unlikely to be suited to HGV traffic, leading to potential issues.
- The propensity for vehicles to meet on these roads, which are devoid of appropriate passing places, will grow.

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

- Contrary to the statement made in the Design and Access Statement these large-scale, utilitarian buildings are not yet a 'feature of the actively farmed countryside.' There are many instances where farms do not yet have buildings of this scale and nature.
- This is a very sensitive upland landscape. The topography is challenging and the site is readily visible from a number of public vantage points, including a PRoW which connects to Offa's Dyke path and other popular, long-distance routes. The wooded, hill character of the area would be significantly adversely affected by this proposal, in a manner contrary to LD1 of the Core Strategy.
- Landscaping in mitigation of adverse visual impact would take years to mature and would be ineffective during periods when the planting is devoid of leaf cover.
- There is no indication within the red line application site of the open air runs / range that the 16,000 birds will require. Defra codes suggest that 16,000 birds will require approximately 20 acres of ranging area, which should be rotated.
- Poultry dust is toxic and there is no mention of cumulative impacts with the application documents.
- Why is the proposal not subject to an Environmental Impact Assessment? It would appear to trigger the requirements for a full assessment on the basis the floor area of the building exceeds 500m².
- The application is disingenuous when describing the distance to local properties. The site is not 'remote.' There are dwellings within 500m and experience suggests that the odour from such units can be smelled from distances greater than this.
- The Cloister Gardens are being developed as a tourist attraction, are within 500m of the installation and bounded by fields that will be recipient of some of the manure to be spread. There is no assessment of the impact that odour will have on the viability of businesses that rely on their rural setting. The desire of the farmer to diversify to survive should not be at the expense of other sustainable businesses that rely on the quietude and quality of the existing natural environment.
- The impact of spreading manure on the water quality of adjacent brooks and ponds has not been accounted for.
- There is no account of the increased reliance on energy consumption for lighting and heating, the laying of hardstanding or transport costs. Is this really a sustainable enterprise?
- There is very little economic benefit to the local economy. The proposal will support 2 existing farm workers and whilst much is made of the benefits to the supply chain, it is unlikely these are benefits that accrue 'locally'.
- The applicants do not appear to have any previous experience of operational management of such an enterprise.
- The proposal is contrary to many objectives and policies of the NDP; including BG1, BG14, BG16 and BG17.
- The proposal is also contrary to Core Strategy Policy RA6. The building is out of scale with the landscape and the proposal will adversely affect the local population by dint of noise, dust and odour. No reference is made within the application to dust particulates; PM2.5, 5 and 10.
- The impact of lighting on the dark skies initiative and the local observatory has not been assessed.
- The ecology survey appears to have been undertaken at a sub-optimal time of year and consisted of a single walk-over. This is unlikely to be sufficient to fully understand and assess the ecological baseline.
- There is no mention within the application of archaeological interest; included the Roman pathway.
- The investment needed to create 2 jobs is disproportionate.

- The description 'free-range' is itself questionable. There is no disguising the fact that this is an intensive livestock rearing enterprise. This method of farming does not bring out the best in the environment or create a product which people can be proud to produce or excited to consume.
- The application has not been advertised sufficiently.

5.5 Herefordshire CPRE has objected to the application. The correspondence summarises their concerns as the following:

- Lack of screening by LPA
- Inadequate information from the applicant
- Insufficient range areas for the hens
- Effects and management of the manure
- Proximity of the Lime Brook
- Ammonia and Odour emissions
- No cost/benefit economic analysis

5.6 Brecon and Radnor CRPW has objected. The content is summarised as follows:

- We hope our comments about this particular application will be noted in relation to other applications close to the border because the density of intensive livestock farming and consequent ammonia pollution and excess nitrogen deposition is a cross-border issue.
- This application, like so many other local ones, is in an area which is far from suitable: sloping land with high rainfall and high run-off into local watercourses.
- The local lanes are narrow and used for walking and cycling as well as vehicles and are impassible in snow and ice.
- The application contains no proper description of the size or location of the required minimum range area of 6.4 Ha necessary for free range eggs standards and there is no OS-type map where land gradients and watercourses can be readily appreciated. It does not look as though a sufficient range area is encompassed within the amended landscape proposals but it is difficult to match up this proposals plan with the McCartneys manure spreading field-plan.
- The ecology report was done at a "sub-optimal" time.
- The area is notable for its dark skies and yet permanent lighting is proposed.
- Although the public assumes free-range egg-laying units favour animal welfare, these developments with a concentration of up to 2,500 birds/hectare of range, are actually more environmentally polluting than larger broiler units.
- Free range poultry developments increase phosphate levels in local watercourses and are contributing to eutrophication, contamination of water supplies and downstream flooding.

5.7 64 letters of support from individual correspondents have been received. The content is summarised as follows:-

- The area we live in is not a museum or a park; it is a vital working environment on which many livelihoods depend and to ensure continued ability to remain viable, diversification is essential. Such diversification supports not only farming businesses that have suffered a downturn in traditional livestock sectors, but also the supply chain and associated businesses;
- Egg production in the UK is one of the most successful sectors in agriculture. In the wake of Brexit if insufficient care is taken to keep the industry fit we will invariably lose markets to inferior imports, with detriment to animal welfare, food Safety standards and the economy local and at large;
- Supporting this application it would ensure the long term future of a well established family business and enable the next generation to continue a viable enterprise;

- We should not put obstacles in front of youngsters who wish to diversify their agricultural businesses and carry the industry forward.
- The applicant would be promoting high animal welfare standards in an environmentally responsible manner, as clearly shown in the many consultations and reports contained in his application;
- The siting of the shed is undertaken sensitively and well-related to the existing buildings. Moreover, the shed is far lower than most livestock buildings and unlikely to be conspicuous in the local landscape to any greater extent than the existing farmyard;
- Landscaping will mitigate any perceived visual impact. The threat to views from the public footpath are overstated and the footpath is not well used;
- The access to and from the site is already used by articulated and large rigid-base vehicles. The applicant already runs a livestock lorry from the farm and the access is shared with an existing well-established poultry business, which has not caused any difficulties historically;
- The objectors citing an increase in traffic as an issue fail to take into account the uplift in trips that will result from tourism-related developments;
- Agriculture and tourism can and should co-exist;
- There are very few near neighbours and/or hotels or other tourist accommodation providers to be affected;
- Free range poultry units are rigorously inspected. They are generally regarded as the least offensive form of poultry-related production in terms of odour, noise, traffic generation and dust;
- The poultry manure will be used on the applicant's land to supplement the manure produced by the beef herd, which is insufficient. Poultry manure is more environmentally friendly than bagged fertiliser, which is often derived from fossil fuel;
- The proposal will respond to the self-evident consumer demand for British produced, free-range eggs. The 'cheap food' policy adopted in this country has made traditional livestock rearing unprofitable. Whilst no farmer has a 'God-given right' to a living, it is ridiculous to suggest that their rights should be any less than anybody else; as has been suggested in some objections;
- None of the statutory agencies have recorded an objection, which suggests they are content with the environmental impacts;
- The borehole will supply sufficient water without impacting on private supplies;
- The investment required for the construction of the shed will in turn support local businesses;
- Some objectors consider that egg production is not appropriate in upland areas, but this would unfairly curtail the ability of such farms to diversify. It is the diversification that will enable continuation of the existing farming practices, which will otherwise be unsustainable;
- Clean out is once every 14 months; which when compared to the typical broiler cycle is very long;
- Several correspondents write to confirm that even when up close of modern free range egg installations they've been unaware of noise, odour, dust or flies.

5.8 The Country Land and Business Association Ltd have written in support of the application. The content is summarised as follows:

- Poultry farming is a key industry to UK Agriculture. UK egg production was 10,546 million eggs in 2017 which is only 85% self sufficiency. The industry needs new producers in order to keep pace with national demand and to reduce imported eggs from overseas at a higher cost and to the detriment of the environment.
- The UK poultry industry employs around 50,000 people and in order to promote growth in the industry and enable more people to work in the industry, facilities like the proposed free range egg unit needs to be seriously considered.

- This proposal will aid the diversification of their businesses and help future proof their farm against the uncertain future UK agriculture is facing.
- Expanding an agricultural business in a rural area can mean an increase in the prosperity of a rural area from other third party associated businesses that will bring social, economic and sustainable benefits.
- The investment into a business has a direct economic effect on the economy. The creation and retention of jobs provides a social benefit and the expansion of an existing business in this suitable location is a sustainable development. This proposed development will contribute positively to all three themes.
- The decision has been taken to choose free range layers over broilers as to limit the noise, smell and lorry movements. This takes into account local residents concerns.
- UK free range poultry farms produce a high quality welfare product and this one will do so with the most modern building and technology standards.
- It would appear that careful consideration has been given to minimising the impact on the landscape while maximising the benefits.
- This proposal is an opportunity for a family farming business to maintain viability in a competitive market place. The free range egg unit will be built to the highest design and welfare standards and there is clear policy support both nationally and locally. We ask you consider the importance of such developments in rural areas.
- The CLA ask that the planning application is given favourable consideration.

5.9 The branch secretary of the Herefordshire National Farmers' Union has written in support of the application. The content is as follows:

"I write in support of a planning application for a proposed erection of an agricultural building for free range egg production.

Mr Hodnett is a forward thinking farmer whose enthusiasm for progress in the agricultural industry should be encouraged. With the current uncertainty surrounding Brexit, farmers are having to diversify their business in order to survive. This application would create job opportunities in the local community which otherwise would not exist.

It is also essential for the sustainability of the local economy that businesses such as this are given all encouragement to develop their business as far as reasonably possible. As a local Herefordshire NFU Group Secretary we encourage this diversification to allow our members to thrive in an increasingly difficult economic environment."

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174246&search=174246

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

Principle of Development

6.1 The application is for the provision of an agricultural development. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:-

"Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that

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

use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly."

- 6.2 It is generally accepted that rural areas are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality is not adversely affected to an unacceptable degree.
- 6.3 There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011- 2031) that support the continued development of the more traditional employment sectors such as farming and food manufacture (Policy SS5), support the diversification of existing agricultural businesses (Policy RA6) and provision of employment (Policy E1). These are positive policies that support the creation of new developments such as that proposed here.
- 6.4 The weight that they are attributed is to be determined and balanced against other material considerations, particularly those relating to environmental quality. In particular these will relate to effects on the landscape (Policy LD1), biodiversity and impacts of river water quality (Policies LD2 and SD4), potential increases in flood risk (Policy SD3), effects of development on amenity in terms of noise, odour and air quality (SS6 and SD1)

Landscape Impacts

- 6.4 Policy LD1 within the CS seeks to ensure that development proposals demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. One of the key issues when considering applications for large agricultural buildings; whether poultry sheds or otherwise, tends to be landscape impact. There are two facets to this - the impact upon landscape character and visual impact. Each of these will be considered in turn.

Landscape Character

- 6.5 As mentioned earlier in this report, the site is located within an area described as Principal Wooded Hills by the Council's Landscape Character Assessment. They are wooded hilly landscapes with a steeply sloping topography and are sparsely settled by farmsteads and wayside cottages. The site and its surroundings are entirely typical of this description. The Landscape Character Assessment does not seek to preclude development in any particular area, but it does provide a helpful description of both the built and natural landscape.
- 6.6 The proposals ensure that the development maintains the close grouping of the farmstead and the comments from the Council's Landscape Officer confirm that in its amended form, the landscaping scheme proposed is consistent with the landscape character of the area. Officer's are therefore content that the scheme is compliant with policy LD1 in terms of its impact on landscape character.

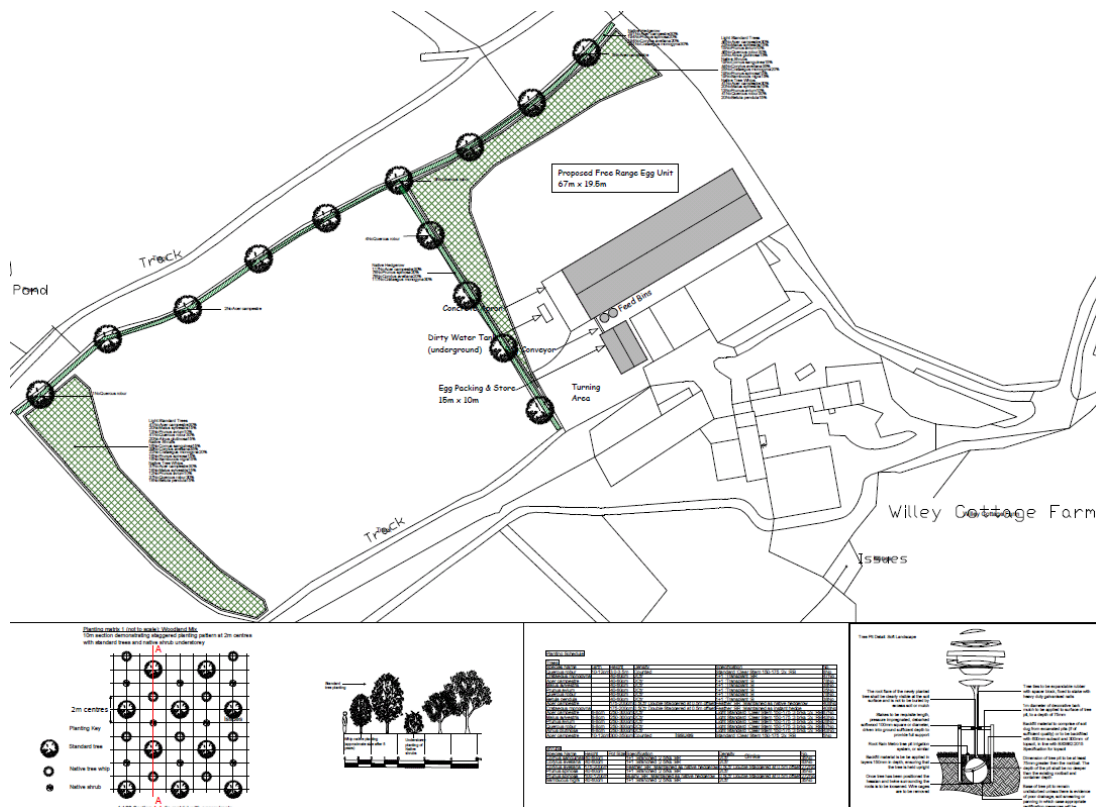
Visual Impact

- 6.7 In this instance the proposal seeks to extend the built form of Cottage Farm. As the comments from the council's Landscape Officer advise, negotiations have taken place to ensure that the proposed building is located immediately adjacent to the existing farmstead. The result is a close-knit group which will be read as a single block from all viewpoints. These are principally from the north from a public footpath where; as can be seen from the photograph below, views are from a higher vantage point looking down onto the buildings.



6.8 These are short to medium distance views of the site. In your officers opinion the introduction of a new building in this location will not have an impact on the appreciation of the wider landscape to warrant the refusal of this application on landscape impact grounds. The compact nature of the farmstead is retained insofar as practicable whilst allowing the development to proceed, the new building will not be unduly obtrusive and its visual impact is limited. Officers are therefore content that the proposal is compliant with policy LD1 in terms of visual impact.

6.9 The amended landscaping scheme is shown below. It comprises two blocks of native species planting, one that effectively wraps around the north and west in the immediate vicinity of the building, with a second block along a more distant field boundary further to the west. As the photographs earlier in this report show, this is entirely consistent with the landscape character of the area and has led the council's Landscape Officer to conclude that the impacts of the scheme can be mitigated satisfactorily.



Highway Safety

- 6.10 CS Policy MT1 requires development to demonstrate that the local highway network is capable of absorbing the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Paragraph 109 of the NPPF continues this theme, but is positively worded in stating:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.11 The comments from the council's Traffic Manager provide a comprehensive analysis of the schemes highway impacts and he confirms that the proposals are acceptable subject to the imposition of conditions. However, his comments are clear that highway improvements will be required on parts of the network that fall under the jurisdiction of Powys County Council. It will be noted that their consultation response at paragraph 5.1 takes issue with the applicant's agents suggestion that there are a number of passing places available within the local highway network but endorses the recommendations made by this Council's Traffic Manager that passing places should be provided within the highway.
- 6.12 In light of this fact and given that the highway network to which the requisite improvements relate are not under the control of Herefordshire Council, separate planning permission will be required for them. It is therefore recommended that should planning permission be granted for this development it is subject to conditions that require the implementation of a scheme of highway improvement works prior to the commencement of development. Officers are mindful of the recent imposed requirement (1st October 2018) to agree pre-commencement conditions with applicants and their agents as set out in the *The Town and Country Planning (Pre-commencement Conditions) Regulations 2018*. In this case the required improvement works go to the heart of the decision. Without them the proposal may well be unacceptable and they can only be secured through further application.
- 6.13 It is only on this basis that the proposal can be considered to accord with CS Policy MT1 and the NPPF. However, officers are of the view that these issues can be addressed through the imposition of suitably worded planning conditions and accordingly highway related conditions reflect this.

Hydrogeological issues and the effects of development on local boreholes

- 6.14 Cottage Farm is currently supplied with water abstracted from an on-site well, and a separate borehole. It is proposed to increase the quantity of water abstracted to supply the poultry barn by approximately 3.5m³/day, or 3,500L. It is estimated that the farm currently uses approximately 5.75 m³/day, so the increase in abstraction will bring the total to around 9.25 m³/day. It is understood that this water will be extracted from the existing borehole adjacent to Willey Cottage.
- 6.15 Concerns have been raised during the planning application consultation period regarding this increase in abstraction, and potential detrimental effects the increased abstraction could have on nearby Private Water Supplies (PWS). Concerns have also been raised regarding potential impacts on water quality from the proposed development. As the local area is predominantly rural in nature, almost all properties are reliant on springs, wells and boreholes, rather than mains water.

- 6.16 Due to the highly technical nature of this aspect of the application officers have commissioned Hydrogeo to undertake an independent Hydrogeological Assessment of the proposed increased abstraction, and nearby PWS. This assessment report provides a baseline study of the groundwater environment in the area and includes an assessment of potential impacts of the increased abstraction.
- 6.17 The brief for the assessment also included a request to peer review the Technical Note produced by J H Groundwater Limited in February 2018 on behalf of the applicant. The Technical Note concludes that the proposed increase in abstraction would produce a small additional drawdown in the range of a tenth of a metre, and require a recharge area with a radius around 68m to 98m.
- 6.18 A field survey was undertaken by Hydrogeo over two days on 10 and 15 May 2018. Herefordshire Council's and Powys Council's records of PWS were used to send notification letters to local residents with registered PWS. In total, ten properties responded to the survey. Five properties did not respond to the survey. Where access to properties was made available PWS sources were examined and accurately mapped. Field water quality measurements were recorded using a handheld meter. The assessment advises that a discussion was held with the owner of each PWS regarding the current and past condition of the supply.
- 6.19 Results of field testing were used along with the desk study information to form a hydrogeological conceptual model for the site. The model shows that most rainfall which falls within the study area will be discharged as springs and seepages, flowing at shallow depths across short distance. Some groundwater will make its way into deeper ground from which the borehole PWS abstract.
- 6.20 The Hydrogeo Assessment concludes that the calculations produced in the Technical Note submitted on behalf of the applicant are correct, based on the assumptions that it makes.
- 6.21 Drawdown calculations produced using the EA '*Assessing the impacts of dewatering on water resources*' shows that the predicted drawdown from the increased abstraction will be negligible after 250m when using highly conservative aquifer transmissivity values.
- 6.22 A Water Balance has been calculated for the study area, comparing inputs to outputs in the water environment. In a worst case scenario where each PWS abstracts 20m³ per day, it has been calculated that there is sufficient recharge falling upon Stonewall and Reeves Hill alone to satisfy the maximum permitted abstraction of each PWS.
- 6.23 The Hydrogeo Assessment concludes by saying that that the proposed increase in abstraction associated with the application is sustainable and does not pose a threat to the reliability of neighbouring Private Water Supplies. On this basis your officers are satisfied that the proposal accords with CS Policy SD3, and particularly criteria 9 which states:

"development should not cause an unacceptable risk to the availability or quality of water resources"

Ammonia and Nitrate Impacts

- 6.24 In a recent High Court Judgement R (Squire) v Shropshire Council Judge Price Lewis QC clarifies the point that manure spreading on and off site is a material consideration. In this particular case the proposed development was for 4 poultry sheds that would be subject to an Environment Agency Environmental Permit (EP). The defendant relied on the EA response, which confirms that as part of the EP, a manure management plan would be required and that the plan would have to have regard to spreading off site and to ensure that was undertaken in accordance with the Code of Good Agricultural Practice, which was referred to explicitly in the

EA's response to the planning consultation. At paragraph 44 of the judgement, the judge comments as follows:-

"I am satisfied that on consideration of the permit, the Code of Good Agricultural Practice referred to in the Agency's response to the Defendant, and the Agency's Guidance Note ERP 6.09 that the permit can control the management of manure off site in order to protect the environment and amenities."

- 6.25 In this case the application is for a single shed to accommodate 16,000. The site will not be subject to and EP and therefore any environmental impacts arising as a consequence of the development would fall to the Council to enforce. This includes impacts on water quality arising from manure spreading.
- 6.26 The Hydrogeo Assessment also acknowledges concerns raised by some local residents as to the potential impact that the proposed development may have on water quality in the study area. Of particular concern was the impact that the additional manure generated by the poultry shed would have upon the PWS water quality within the study area.
- 6.27 The Assessment identifies that the application site does not lie within a 2017 Nitrate Vulnerable Zone Designation. Field pH measurements ranged from 6.42 (The Parks, spring), to 7.53 (Pant Hall, spring). Generally, pH was within the expected natural range, with no excessively acidic or alkaline measurements recorded.
- 6.28 Groundwater sourced from boreholes showed a smaller range of pH values when compared to the surface water and spring water, with values recorded ranging from 7.14 to 7.28. This indicates that deeper groundwater in the study area is mostly neutral, or slightly alkaline. Measurements of surface water and springs showed greater variation, but were generally around neutral, tending more towards slightly alkaline with few acidic readings below 7.0 recorded.
- 6.29 The Environment Agency and Defra published new guidance to ensure farmers compliance with the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 which came into force on 2 April 2018. The guidance was created to ensure that water resources and the natural water environment remain protected from adverse effects due to the spreading of manures as fertilizers. The guidance lays out rules to ensure the protection of water resources, including PWS such as springs and boreholes.
- 6.30 The applicant has provided a manure management plan as part of the application. The plan states that additional manure arising from the poultry shed will need to be exported to ensure that the limits for nitrogen deposition per hectare are adhered to. It also confirms that the farm will adhere to the guidance on spreading and record keeping that is in place to protect watercourses, wells and boreholes. The Design and Access Statement also confirms that dirty water drainage systems will adhere to the silage, slurry and agricultural fuel oil (SSSAFO) storage regulations.
- 6.31 On the basis of all of the above, the Hydrogeo Assessment considers that it is highly unlikely that water quality of PWS in its study area would be impacted by the proposed development. In the absence of a requirement for the applicant to apply for an Environmental Permit and in order to ensure that water quality is not impacted, your officers are of the view that a condition should be imposed to require the development to be implemented in accordance with the Manure Management Plan submitted as part of the application. On this basis the proposal is considered to comply with the requirements of CS Policy SD4.

Potential Amenity Impacts

- 6.32 The information submitted confirms that the proposed shed is to be fitted with high velocity roof mounted ventilation systems to disperse odour. The site is distant from neighbouring residential properties. The Design & Access Statement states the closest residential dwellings to the site which is outside the control of the applicants is 600m distant to the north and east of the site respectively
- 6.33 The application is not supported by an odour assessment in this instance but given that this is a proposal for free range egg production, the relative distances of dwellings from the site, I am of the view that it would be unduly onerous to require the submission of an odour assessment in this particular case. In reaching this conclusion I have had regard to the nature of the use, wind-rose data submitted with other more intensive poultry units and the relative proximity of the nearest dwelling.
- 6.34 Similarly, the distance from receptors leads me to conclude that the proposal will not give rise to unacceptable levels of noise. I have taken into account the fact that the proposal is for egg laying and therefore flock cycles are considerably longer than other forms of poultry related development. Vehicle movements will consequently be less frequent, as will the need to clean down sheds.
- 6.35 The recommendation includes conditions to limit the use of the building to that applied for (free range egg production) as it is on this basis that environmental impacts have been assessed. Other types of poultry production, such as broilers or turkeys are likely to have significantly different impacts and it is considered reasonable that the local planning authority would want to re-assess if such uses were proposed.
- 6.36 On this basis it is concluded that the scheme is in accordance with CS Policy SD1 and NPPF guidance within the Core Planning Principles.

Impact on Heritage Assets

- 6.37 CS policy LD4 requires developments to protect, conserve and enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design.
- 6.38 A heritage assessment has been submitted in support of the application and provides an assessment of the impact that the proposal would have upon the heritage assets within its vicinity. The assessment has identified Willey Court and its surrounding environs; a Scheduled Ancient Monument (SAM) located 250 metres south east of the application site, as the only designated heritage assets with the area. A small number of non-designated assets, including Willey Cottage Farm, are also identified.
- 6.39 The SAM is located on lower lying ground and is visually separated from the application site by the pre-existing buildings that comprise the farm as well as a woodland belt, as can be seen in the photograph below:



- 6.40 The assessment submitted with the application concludes that the proposed development would not have any direct physical impact on heritage assets. This view is confirmed by the Council's Archaeological Advisor who raises no objection to the application and officers are therefore satisfied that in the absence of any harm to the significance of the heritage asset the proposal is compliant with CS Policy LD4 and the NPPF. It is noted further that Historic England record no objection.

Economic / Social

- 6.41 Eggs are a consumer staple. The British egg industry makes a significant contribution to GDP with exports also. The proposal would offer the benefit of increasing agricultural capacity and food capacity, such that any concerns in respect of the loss of agriculturally productive land are, in my view, offset. Moreover, agriculture has a major role in the economy of Herefordshire and plays an important part in the health and vibrancy of local communities. The proposal would clearly involve capital investment, most of which may support local contractors and suppliers. The scheme would have a wide impact both in contributing to a successful part of the UK economy and in supporting other local businesses.
- 6.42 In this respect the proposed development would be in accordance with Policy RA6 of the Herefordshire Local Plan Core strategy, which indicates that a range of economic activities will be supported, including proposals which support and strengthen local food and drink production and support the retention of existing agricultural businesses. The proposal would clearly contribute to the economic and social objectives of the National Planning Policy Framework (NPPF). This is a significant material planning consideration that weighs in favour of the proposal.

Other Issues

- 6.43 Some of the objections raised highlight the fact that the full extent of the ranging area for birds is not included as part of the red line application site and that insufficient land is given over for this. The Design & Access Statement submitted with the application advises that Cottage Farm amounts to 220 acres of owner occupied land. This is contiguous with the application site and whilst the full extent of the range area is not shown, officers are satisfied that sufficient land is available to comply with best practice.
- 6.44 The impact of lighting associated with the development is also raised with some objections concerned about the potential effects of the development on the dark skies initiative and the local observatory which is located 2.66km (1.65 miles) to the north west of the application site as the crow flies. Details of lighting are not provided as part of the application but such

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

developments are typically lit with a single service light at the entrance to the building. This is a matter that officers are satisfied can be dealt with by condition, should planning permission be forthcoming.

- 6.45 Finally, some objectors have questioned whether the application was appropriately advertised. Officers can advise that the application was first advertised in the Hereford Times on 23 November 2017 and then, following the receipt of additional information, again on 8 March 2018. In both cases site notices were also placed within the locality of the application site.

Planning Balance & Conclusion

- 6.46 Overall officers are content that the development is sustainable development. Across the three dimensions I consider there are positive benefits within the economic dimension and neutral impacts in relation to the social and environmental dimensions. Harm to landscape character is axiomatic, yet capable of mitigation to such an extent that objection is unsustainable.
- 6.47 Impacts arising from additional traffic movements do not amount to any contradiction of MT1 and do not amount to residual cumulative impacts that are severe enough to warrant refusal. Powys County Council have been consulted as the adjoining highway authority and do not raise an objection in principle to the development; acknowledging the need for passing places to be provided within the network under their jurisdiction. These will require the benefit of separate planning permission and any approval here should not be implemented until this has been achieved.
- 6.48 Impacts on water resources and quality have been fully assessed through the commissioning of a field survey and an independent review of information submitted with the application. It finds that the additional abstraction of 3,500m³ of water per day from an existing borehole serving Cottage Farm will not demonstrably impact upon private water supplies of other properties within the locality. The assessment by Hydrogeo also concludes that the proposal is unlikely to have a demonstrable effect on water quality in the area.
- 6.49 Consideration has been given to the intensification in use of the site in relation to noise and odour and subject to conditions to limit the use of the buildings to that applied for is not considered to have any adverse impact on the amenity of neighbouring residents or its surroundings.
- 6.50 The proposal will have benefits in terms of its economic benefits, strengthening local agriculture and food production. This complies with the CS and NPPF and is another matter that weighs in favour of the development.
- 6.51 There are no other matters of such weight to warrant the refusal of the application in their own right and it is therefore concluded that the benefits that would be derived from permitting the proposed development outweigh any limited harms that might be caused. The development represents a sustainable form of development and is considered to be acceptable subject to the inclusion of the recommended conditions listed below. Officers are satisfied that the proposed development complies with the relevant policies within the Core Strategy and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

:

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

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

2. **B01 Development in accordance with the approved plans**
3. **C09 Details of cladding**
4. **The development hereby approved shall be carried out in accordance with the approved landscaping scheme as shown on drawing number IPA21490-11A (Landscape Proposals) dated October 2017. New planting shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

5. **No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan- Core Strategy and the National Planning Policy Framework.

6. **The buildings hereby permitted shall only be used as free range egg production units and not for any other form of poultry related production (e.g. broilers or turkeys)**

Reason: The processes / activities associated with different forms of poultry related production give rise to materially different environmental impacts that would require further assessment.

7. **Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.**

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **The development hereby approved shall be carried out in accordance with the Manure Management Plan prepared by McCartneys for Willey Cottage Farm dated October 2017 unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of pollution prevention and to safeguard the water quality

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

of the area and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. All manure moved off site must be in covered and sealed trailers.

Reason: In the interests of pollution prevention and to safeguard the residential amenities of occupiers of dwellinghouses and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

10. The number of birds per flock shall not exceed 16,000 in any single 60 week flock cycle.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining Highway in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. No development shall commence on site in connection with this approval until a scheme for the provision of passing places along the C1064 have been provided and formally authorised in writing in terms of size, design and construction specification by Powys County Council.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway, and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. H03 Visibility splays

13. H13 Access, turning area and parking

14. H18 On site roads - submission of details

15. H31 Outline Travel Plan

16. The recommendations set out in the ecologist's report from Craig Emms dated October 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat/species protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme 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.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply with Policies LD2 and LD3 of the Herefordshire Local Plan - Core Strategy the National Planning Policy Framework.

INFORMATIVES:

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

- 2. **I05**

- 3. **I45**

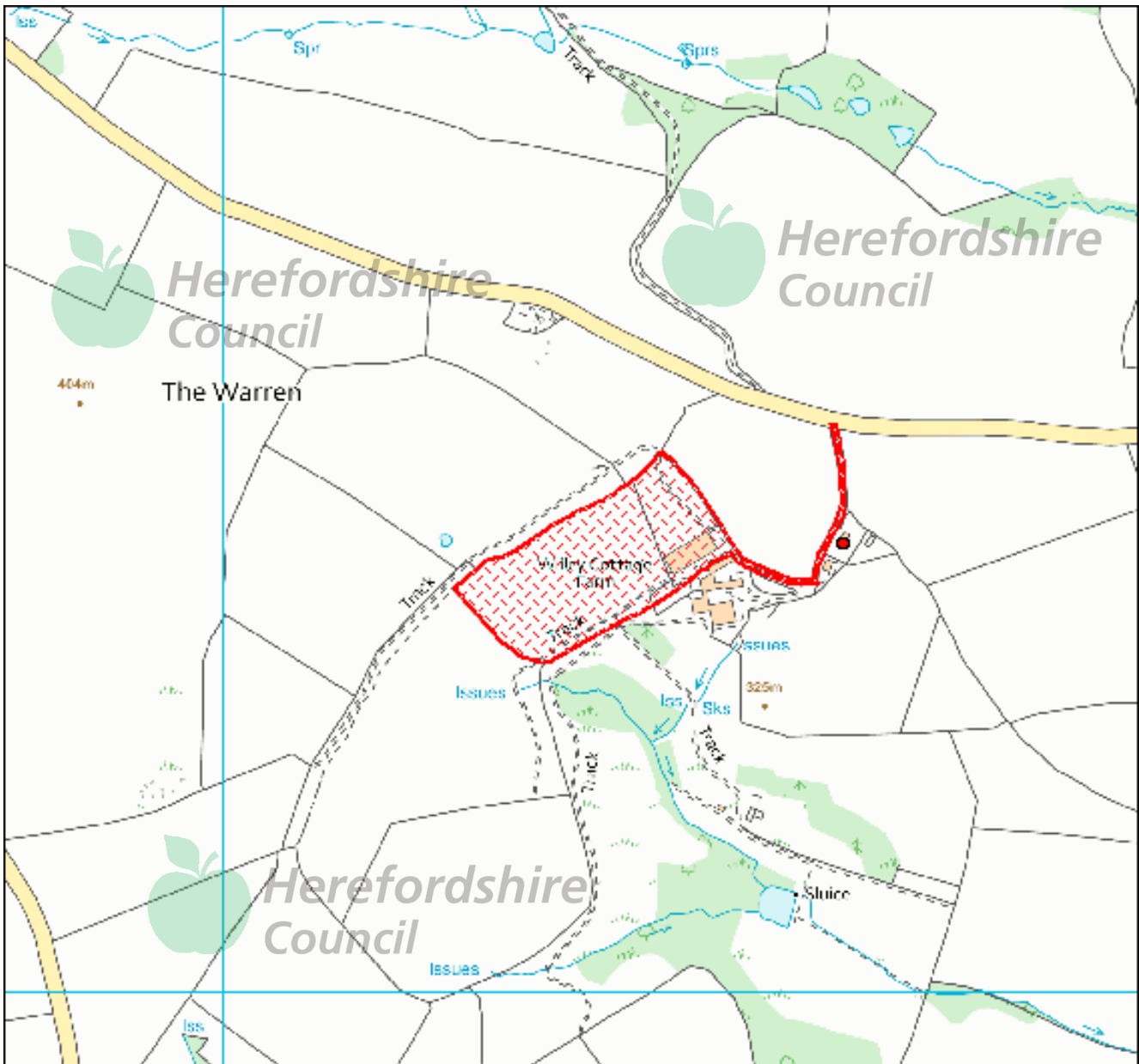
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 174246

SITE ADDRESS : WILLEY COTTAGE FARM, WILLEY, PRESTEIGNE, HEREFORDSHIRE, LD8 2ND

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 OCTOBER 2018
TITLE OF REPORT:	181296 - CHANGE OF USE OF UNIT 10 FROM A1 TO B2 (RETROSPECTIVE) AT UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN For: Ms Jones per Ms Dawn Jones, 59 St Andrews Close, Moreton-On-Lugg, Hereford, Herefordshire HR4 8DB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181296&search=181296
Reason Application submitted to Committee – Re-direction	

Date Received: 1 Oct 2018

Ward: Sutton Walls

Grid Ref: 352205,247534

Expiry Date: 13 July 2018

Local Member: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The application site forms part of a single storey L –shaped commercial premise located within the settlement of Marden
- 1.2 The units are served by a tarmac forecourt accessed directly from the adjoining public highway (C1124).
- 1.3 The application site is enclosed on all sides by residential development, which mostly comprise of bungalow or dormer style properties, whilst properties of a similar design are located directly across the road.
- 1.4 The current occupants are tenants of both units 10 and 11, which currently benefit from an A1 Use Class being one of Shops and Retail Use; however the application is only in respect of unit 10.
- 1.5 The applicants have been tenants on the site for 4 years and produce Pierogi, a Polish pasty, which are prepared in Unit 10 and are then sold at off site events across Hereford and further afield.
- 1.6 The applicants use Unit 11 as a part time retail outlet selling the product direct to the public and as such no change in the Use Class is proposed for Unit 11.
- 1.7 The application seeks approval in respect of Unit 10 to change the Use Class to one of B2, “general industrial unit”.

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

1.8 The business provides for three full time rural jobs

2. Policies

2.1 The Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS5	-	Employment Provision
RA6	-	Rural Economy
E1	-	Employment Provision
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on eth Council's website by using the following link:

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework July 2018

2.3 Marden Neighbourhood Development Plan (MNDP) was adopted 6/10/2016

The site is located within the MNDP area. The MNDP was adopted on 6th October 2016 and now forms part of the Development plan for Herefordshire. The following policies are of particular relevance:

M7(c) is suitable in terms of size, layout, access, parking, design and landscaping;
M7(d) does not harm the amenity of nearby occupiers;
M7(e) does not harm the character, appearance or environment of the site and its surroundings;
M7(f) Has adequate access, or potential access, by a choice of transport modes.

The MNDP can be viewed by using the following link:

https://www.herefordshire.gov.uk/site/scripts/directory_search.php?directoryID=35&search=Search&keywords=Marden&submit=

3. Planning History

3.1 None relevant

4. Consultation Summary

Statutory Consultations

4.1 Natural England

No comments made

Internal Council Consultations

4.2 Transportation Manager

Traffic generated will be light with minimal intensification if any. No objection

4.3 Ecologist

I can see no ecology comments or concerns with this retrospective change of use and no change/no Likely Significant Effects on the River Lugg SSSI/SAC

4.4 Hereford Council Economic Development Team.

I would accept that the current location would not be suitable for expansion of the company beyond the current buildings. Should the business require larger premises to operate they should be encouraged to seek alternative accommodation within Herefordshire. However given their current scale of operations I do not believe the current buildings to be unsuitable for the proposed use.

From an economic development perspective it is my opinion that the application will protect employment within the village of Marden and has the potential to create new jobs. Through the business success of the current occupiers, a degree of profile has been created for them, the village of Marden and for wider Herefordshire in terms of being a place where locally distinctive food is made. The change of use is not leading to a loss of employment land or units, rather it is protecting units for this purpose, and the application is not in conflict with local or countywide policy.

Consequently I would recommend approval of the change of use.

5. Representations

5.1 Marden Parish Council

At its meeting on 11 June, Marden Parish Council resolved to object to application 181296 and comment as follows: PC would normally be supportive, however the application is not in conformity with Marden NDP policy M7 points (c), (d), (e), and (f), due to the significant effect on local residents; the units are designed as retail but application is now for manufacturing.

5.2 Forty public responses of support were received with comments included:

- Refusal would give negative signal to entrepreneurs
- Provides rural employment
- Adequate parking available
- Business has been in place for some time
- Site has had various uses, butchers, etc. all requiring deliveries
- Hereford has a 'Here we can' attitude

Two response of objection received with issues of concern being:

- Noise
- Smell
- Hours of operation

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181296&search=181296

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>

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

6. Officer's Appraisal

6.1 Section 38 (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."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Marden Neighbourhood Area, which adopted a Neighbourhood Development Plan (NDP) on 6th October 2016.

6.3 The proposal seeks to change the Use Class Town and Country Planning (Use Classes) Order 1987 (as amended), for Unit 10 from A1 Shops/retail to B2, General Industrial.

6.4 Core Strategy Policy RA6 is in principle supportive of development proposals that enable the County's regeneration of its economic base, of which food and drink is an important part, furthermore, the policy criteria supports and strengthen local food and drink production.

6.5 Policy SD1 requires development proposals, as relevant to the proposal, should:

6.6 Safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution.

6.7 The primary consideration in determining this application is the impact that a change of use to Unit 10 would have in regard to the amenity of the surrounding area. Those impacts relating to noise, smell and hours of operation. However, in this respect the business has been operating under the same business model for four years with no complaints received until 2018. It is also noted that the business is largely one of a seasonal nature, with little site activity between the months of October to March. It is noted that the operational hours management plan provided by the applicants show that there was loading of food only onto vehicles on 37 occasions between the hours of 20:00hrs and 7:00hrs in 2018 up to the end of August.

6.8 Given the above, it is not proposed to impose conditions on the hours of business activities relating to the proposal.

6.9 However, it is proposed to limit the B2 use of the Unit to the current occupiers only and on their departure the Use Class would revert back to an A1 retail use therefore giving residents some protection in terms of any future business use of the premises.

6.10 Policy SS5 of the CS states that the continued development of the more traditional employment sectors such as farming, food and drink manufacturing will be supported while policy E1 of the CS states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where a proposal is an appropriate extension to strengthen or diversify an existing operation.

6.11 In regard to policy M7(c) of the MNDP it is considered that the access and parking for deliveries is adequate and in this respect it is noted that no objections to the application were received from Transportation.

6.12 Considering policy M7(d) of the MNDP it is considered that with the inclusion of conditions regarding both operating hours and restriction on any future business model within the unit that any harm to the amenity of nearby occupiers has been addressed.

- 6.13 No obvious change to the character, appearance or environment of the site has been proposed and therefore policy M7 (g) of the MNDP is, in the view of officers, complied with.
- 6.14 It is noted that no objections to the application have been received from the Transport consultation and therefore the application accords with policy M7(f) of the MNDP
- 6.15 I therefore conclude on balance that this application accords with policies SS1, SS5, RA6, E1, SD1, SD3 and SD4 of the Core Strategy and policies M7c, d, e and f of the MNDP. The proposal is considered to accord with the relevant provisions of the Development Plan and is recommended for approval accordingly and subject to a condition limiting the use to that applied for.

RECOMMENDATION

That planning permission be granted subject to the following conditions below and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

- 1. **The building unit which is the subject of this application shall be used by the current occupiers and for the prescribed business purpose and for no other purpose including any other purpose within Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. On the departure of the current occupiers from the premises, the Class usage of B2 shall revert back to it's former use as an A1 retail unit.**

Reason: To safeguard the amenities of the locality and to comply with policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

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

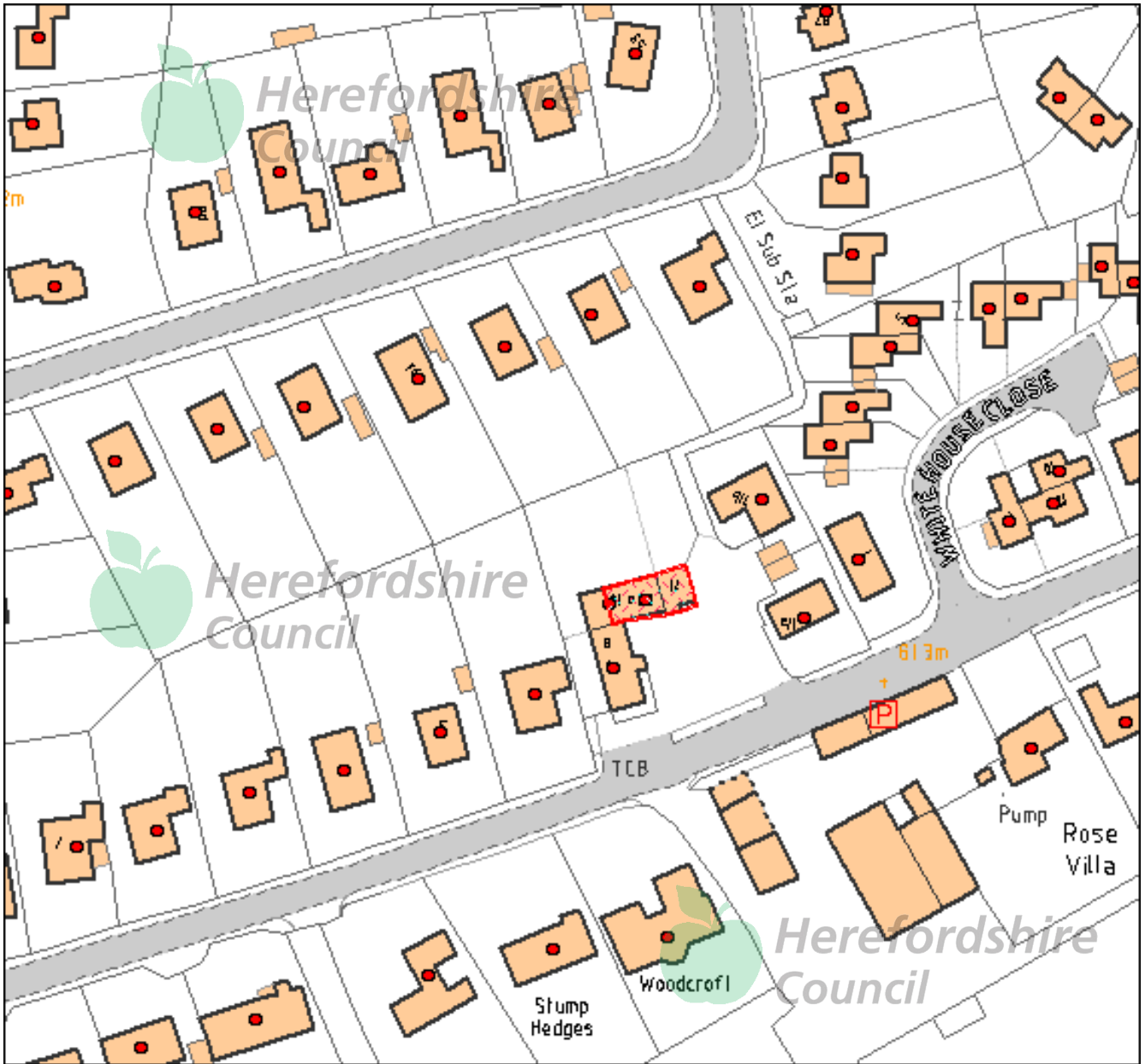
Decision:

Notes:

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Background Papers

None



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APPLICATION NO: 181296

SITE ADDRESS : UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN

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Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

MEETING :	PLANNING AND REGULATORY COMMITTEE
DATE:	10 OCTOBER 2018
TITLE OF REPORT:	182086 - PROPOSED ANCILLARY ANNEXE AT 3 ROCKLANDS COTTAGES, BEARWOOD COTTAGE LANE, GOODRICH, HEREFORDSHIRE, HR9 6JQ For: Mr Fisher per Mr David Kirk, Coppice View, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182086&search=182086
Reason Application submitted to Committee – Redirection	

Date Received: 5 June 2018

Ward: Kerne Bridge

Grid Ref: 357425,218554

Expiry Date: 3 August 2018

Local Member: Councillor PD Newman

1. Site Description and Proposal

- 1.1 3 Rocklands Cottages is located in an elevated position on the western slope of Coppett Hill. It is accessed via a narrow unmade track that is shared with 5 other properties (1 and 2 Rocklands Cottages, High View, The Old Cider Mill and Cider Mill Cottage). Coppett Hill Common lies to the east of the site and a small section of the access to the property forms part of the Common. 3 Rocklands Cottages is located in an elevated position on the western slope of Coppett Hill. It is accessed via a narrow unmade track that is shared with 5 other properties (1 and 2 Rocklands Cottages, High View, The Old Cider Mill and Cider Mill Cottage). Coppett Hill Common lies to the east of the site and a small section of the access to the property forms part of the Common. The Common, excluding the access track, is designated as a Special Wildlife Site and the site and wider area is within the Wye Valley Area of Outstanding Natural Beauty. Public Right of Way GR9 skirts along the northern edge of the application site.
- 1.2 The site itself lies below the level of the access track and the detached property benefits from a large well landscaped garden curtilage. A private driveway drops steeply into the site from the Common and immediately to the east of the driveway is a detached double garage which is set into the bank and measures 4.4 metres to the ridge and has a floor area of 5.7 metres by 6.1 metres.
- 1.3 Planning permission is sought for the replacement of the double garage with a detached annexe that is intended to provide accommodation for the applicant's father who has moved back to the UK from overseas due to ill health. The applicant has also advised that he too has a degenerative arthritic condition so there would be a degree of mutual support possible initially as well as potentially providing for future care requirements. The annexe, in its revised form would measure 5.3 metres to the ridge and has a floor area of 5.7 metres by 9.2 metres.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 1.4 The annexe would be timber clad under a natural slate roof and would provide a combined living room/kitchen with garage/store on the ground floor with a bedroom and bathroom within the roof space on the first floor.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

Policy MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
Policy LD1	-	Landscape and Townscape
Policy LD2	-	Biodiversity and Geodiversity
Policy SD1	-	Sustainable Design and Energy Efficiency
Policy SD3	-	Sustainable Water Management and Water Resources
Policy SD4	-	Waste Water Treatment and River Water Quality

2.2 NPPF

Section 2	Achieving sustainable development
Section 4	Decision taking
Section 12	Achieving well designed places
Section 15	Conserving and enhancing the natural environment

2.3 NPPG

- 2.4 The Goodrich and Welsh Bicknor Neighbourhood Development Plan is at the Regulation 14 draft plan stage and as such does not currently attract any weight in decision making.

- 2.5 The Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 P180570/FH Proposed single storey extension. Approved 12 April 2018
- SH971102PF Proposed extension and re-roofing plus detached garage. Approved 12 November 1997

4. Consultation Summary

Statutory Consultations

- 4.1 Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of River Wye Special Area of Conservation damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.

Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Internal Council Consultations

4.2 Conservation Manager (Ecologist)

Original comments

The site lies within the River Wye (River Lugg) SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer”. I note the applicant has not indicated how the additional foul water loading created by the development will be managed. Under Habitat Regulations and in line with NPPF, NERC Act and Core Strategy SD4/LD2 + retained Biodiversity SPG, this authority has a duty of care to ensure all relevant ‘Likely Significant Effects’ are fully mitigated. The identified LSE is the phosphate loading (not removed through septic tank or standard package treatment plant systems) in the final outfall, to mitigate this **confirmation from the applicant of the type of treatment system proposed and that that it will discharge to a soakaway drainage field is requested**. Direct discharge in to any local watercourse, stream or culvert would not be acceptable. No part of any soakaway field or discharge system should be within 50m of any part of Little Mountain Common (Local Nature Reserve, Local Wildlife Site, Priority Habitat and provisional local geological site)

Subject to this soakaway discharge being confirmed and subject to implementation as part of a specific Foul Water implementation condition then I can not see any unmitigated LSE on the River Wye (River Lugg) SAC from this proposed development.

In line with NPPF Guidance, NERC Act and Core Strategy policies developments should show how they are going to increase the biodiversity potential of any area and I would request a relevant Condition is included to secure these enhancements

Nature Conservation – Enhancement

Prior to first use of the new annex evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO Bat roosting enhancements and TWO bird nesting boxes built in to, or attached to the new annex should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA. External habitat boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement feature, adjacent track or habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013

In support of the comments by the Coppett Hill Common Trust, NO upgrading, beyond 'like for like' maintenance of the access track owned by the Trust or running through or alongside any designated habitat or feature that would require a planning consent from this planning authority would be acceptable. Detailed surveys and full consideration of all impacts on these features, relevant mitigation and provision of 'betterment' would have to be clearly demonstrated within the application. Any such application would be subject to a full Habitat Regulations Assessment process.

Further response in respect of drainage arrangements

Unless otherwise agreed in writing by the Local Planning Authority; as advised by the applicant in an email ("Subject: Re: 182086 - 3 Rocklands Cottage" dated 17th August 2018,) Foul Water shall be managed through connection to the existing septic tank that discharges final outfall through a soakaway drainage field.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

4.3 Conservation Manager (Trees)

I have no objections to the proposal

4.4 Public Rights of Way Manager

No objection

4.5 Commons Registration Officer

The land subject to the application abuts registered common land CL126, which is an owned common. The proposed works will not affect the common. Any works that may need to be done to improve the access to the property will require a section 38 order as well as agreement by the owner.

5. Representations

5.1 Goodrich and Welsh Bicknor Parish Council

Original Comments

The parish council objects to this application on the following grounds:

1. The development is contrary to the parish council's policy against new development on Coppett Hill.
2. The development is contrary to the Neighbourhood Development Plan that is nearing Regulation 15 status.

3. The parish council does not consider the development to be an annex, but rather that it creates a separate dwelling, particularly as it requires a larger footprint than the existing garage.
4. The development would set a precedent for all detached garages to be made into separate dwellings. Additionally, the parish council is concerned that the address detailed on the application makes it difficult to locate it and therefore may prevent local residents from providing feedback on the application via your online service. The address should clearly state "Coppett Hill".

Comments on Revised Plans

Scale - This is an entirely new building and not a conversion of a redundant building it has a completely new footprint that is much bigger than current garage. So, it is Contrary to Core Strategy Policy RA5

Size - This development has a 2nd storey so it is much taller than the current garage and has a much bigger footprint than the current building.

Precedent – approval would result in possible development of all detached garages on Coppett Hill and as such it would set a precedent for development of every outbuilding on Coppett Hill and within the AONB.

Scale of development – due to size and scale this development is unacceptable in this sensitive location adjacent to a nature reserve and in the AONB.

GNP - The site is in an area that local consultation for the Goodrich Neighbourhood Development Plan did not select as suitable for development, Coppett Hill was designated as an area of special interest; the GNP has identified sites elsewhere within the parish which more than satisfy the number required.

Wildlife - No ecological survey has been done – great crested newts have been seen in the pond and vicinity, as well as bats, dormice and rare pearl bordered fritillary butterflies.

Amenity - The development will have a direct detrimental effect on the amenity of its neighbours and will also cause significant light pollution to the area.

- 5.2 A total of 18 representations have been received from 8 local residents and the Coppett Hill Common Trust Company. The objections can be summarised as follows:

Original Comments

A total of 10 objections (from 6 households) were received expressing concerns as follows:

- Will set a precedent as this is a new house, contrary to Core Strategy Policies RA3 and RA5
- Will require soil removal and the loss of oak trees
- Access via a single track with no passing places will compromise access for emergency vehicles
- Impact on habitats and wildlife on local wildlife site
- Likely Significant Effects on River Wye SAC/SSSI and impact on Great Crested Newts, dormice, grass snakes, adders, slow worms and pearl bordered fritillaries
- No ecological survey done
- Site not identified for growth and contrary to Neighbourhood Development Plan
- Adverse impact upon neighbouring amenity/light pollution
- Unsustainable location

- Contrary to Core Strategy Policies LD1 and LD2
- Access unsuitable for new dwellings
- Application is inaccurate and does not include reference to ownership of the Common, its status as a nature reserve or the AONB
- Proposal is 2 storey and 50% bigger than existing garage
- Building is separate and capable of self-contained occupation
- Loss of parking space and vehicles associated with the property already park on the lane/Common
- Conditions would not provide long term control over occupation
- Right of access over the Common cannot be assumed. May require an additional easement

Comments on Revised Plans

A further 8 objections (4 from 1 household) were received following the re-consultation. No additional concerns were expressed in these responses but all reiterated the same concerns as were identified in response to the first consultation.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182086&search=182086

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

Policy context and Principle of Development

- 6.1 Section 38 (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."

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Goodrich and Welsh Bicknor Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 12 March 2018. At this stage it cannot be afforded weight in the decision-making process.

- 6.3 It is recognised that the site is located in open countryside where CS Policy RA3 establishes strict controls over new residential development. In this case, the application does not propose a new dwelling but rather an annexe which although capable of independent occupation is intended to provide for the needs of the applicants elderly father. In this sense there would be a degree of interdependence between the main house and the annexe such that it is not considered that a separate dwelling would be created. Rather, the proposal would be more appropriately described as providing additional accommodation linked by its association with the applicant's property with no material change of use of the land taking place on the basis that the accommodation is used for purposes incidental to the predominant use.

- 6.4 Interpretation of the legislation has, over time, given rise to the now well-established principle that the right to use land for a singularly defined purpose includes the right to use it for purposes which would be ancillary to that primary purpose. The inherent requirement of an ancillary use is that there should be a functional relationship with the primary use of the planning unit.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 6.5 A number of cases have shown that the term “incidental to the enjoyment” may be interpreted generously. The creation of an annexe would therefore be unlikely to require permission provided the building was occupied by a family member. However if the accommodation created constitutes a separate self-contained unit and a separate planning unit, this would cease to be incidental.
- 6.6 In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day to day living facilities and has resulted in the creation of a separate planning unit. The case of Uttlesford DC v SoS and White 1992 is pertinent here as it involved a garage attached to a dwelling that had been converted to a ‘granny annexe’. An Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use had occurred. The Court agreed ruling that the fact that the elderly occupier of the annexe had living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that even though accommodation in the garage was capable of independent use, the Court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.
- 6.7 Testing separateness and independence of residential accommodation is key to decision making on whether accommodation is in the form of an annexe providing accommodation ancillary to the main dwellinghouse or a single dwellinghouse occupied separately.
- 6.8 In this instance, the annexe would be occupied by the father of the occupant of 3 Rockland Cottage who would be provided with a degree of care by the family and also continue to enjoy some form of independent living. In future the applicant foresees the potential need to have live-in care in relation to his own degenerative condition. In both cases the degree of inter-relationship is considered to remain incidental. Furthermore, whilst the proposed building is patently larger than the existing double garage, it maintains an appropriate residential scale in relation to the main dwelling and the context of the large garden curtilage. The application does not propose to separate the land and granting permission would enable conditional control over the occupation to be secured. Importantly in my judgement, the access is shared and there is a close physical relationship between the two buildings (approximately 8.5 metres apart). Furthermore there are clear limitations in relation to access to the site that would be associated with the creation of a separate dwelling and also legal implications in respect of the granting of the necessary easement.
- 6.9 On the basis of the information provided, it is officer’s opinion that the proposed annexe would be used for purposes ancillary to the use of the main dwelling and that there would be sound policy grounds to resist the creation of any form of separate planning unit should this be sought in the future.
- 6.10 In planning terms this proposal should not to be considered as a new dwelling and as such, with respect to the objections that have been lodged, Policy RA3 is not considered relevant and neither by extension is Policy RA5 which has been referred to as the proposal is not for the conversion or adaptation of an existing building. In this regard, it is not considered that there can be a sustainable objection to the principle of an annexe with restricted occupancy.
- 6.11 The key question relates to the nature of the accommodation proposed and whether it can reasonably be considered to remain incidental to the main house. In this regard, it would be more appropriate to consider the proposal against Policies SD1 (Sustainable design and energy efficiency) and LD1 (Landscape and townscape) in terms of the acceptability of its scale and impact by comparison to the existing dwelling and its sensitive landscape setting.

Scale and Visual Impact

- 6.12 The site is located within the Wye Valley Area of Outstanding Natural Beauty, a designation that is afforded the highest level of protection and careful consideration has been given to the visual impact of the proposed annexe building. By comparison to the existing double garage, the annexe would be 0.9 metres taller to the ridge and 1.3 metres taller to the eaves and as such has greater mass. Furthermore whilst it maintains the same depth, it would be 3.1 metres wider than the existing garage.
- 6.13 I do not consider this size of building to be out of keeping with the site or its surrounding and this coupled with the use of timber cladding and matching slate roof, together with the close physical relationship with the main dwelling and its setting against rising land is such that in my view, it would conserve the scenic beauty of this important landscape in a manner that accords satisfactorily with CS Policies LD1 and SD1.
- 6.14 A number of objections refer to the loss of trees within the garden to accommodate the larger footprint of development. The applicant has refuted the loss of any trees and maintains the intention of retaining trees to provide screening.
- 6.15 The existing structure is set into an embankment with a semi-mature oak tree set upon higher ground to the south beyond the retaining structure. The intended extension to the footprint would not change this relationship with the additional footprint extending northwards. There would be no resulting tree loss with the boundary planting on the eastern boundary to the Common retained. The only work to a the oak tree referred to above would potentially to remove a lateral limb that currently overhangs the existing garage but due existing levels and relative distances from other trees within the garden, this would be the only impact and is not considered to result in any unacceptable adverse effects upon the character of the site or its contribution to the surrounding area.
- 6.16 The Arboricultural Advisor has not raised an objection and a condition is recommended to ensure that existing trees are appropriately protected during construction work

Biodiversity and Water Quality

- 6.17 The proximity of the site the the Coppett Hill Special Wildlife Site and its relationship with the River Wye Special Area of Conservation and Site of Special Scientific Interest are acknowledged and a number of objections refer to the presence of protected species in the locality and the lack of an Ecological Survey.
- 6.18 Notwithstanding these, the Council's Ecologist has reviewed the proposal and does not raise an objection on the basis of a lack of a survey. The building itself is not considered likely to provide habitat and the recommendation in this case is to secure some biodiversity enhancement through the conditional requirement to install bat and bird boxes within the site.
- 6.19 The main concern identified by the Ecologist was in relation to the drainage requirements of the extended accommodation. In this regard the applicant has advised that the main dwelling has been reduced from a 4 bed dwelling to a 3 bed dwelling (2 smaller bedrooms formed into 1) and as such there would be no uplift in the number of bedrooms and limited implications for further discharges from the site. The Ecologist has considered the additional information provided and is content to recommend a condition and Natural England raise no objection subject to appropriate mitigation.

Access and Highway Safety

- 6.20 The limitation of the access arrangements to the site are abundantly clear and there are specific legal controls over the rights of access to individual dwellings which are outside of Planning legislation. As referred to above this, in addition to a policy presumption against building new dwellings on Coppett Hill militates against any further intensification that might arise for a further unrestricted residential use or holiday accommodation. The applicant's father currently lives at the property and in this regard there would be no change to its lawful use or the amount of private vehicles arriving and leaving the site. Clearly access to the site during construction will present a significant challenge but no more so than for the construction of an extension to an existing dwelling. A condition is recommended to ensure that adequate provision is made for site operative/deliveries and it is understood that other legal mechanisms will need to be addressed in relation to access via the Common or works that might affect it.
- 6.21 In light of the above, subject to an occupancy condition, it is not considered that there would be any additional impact upon the existing access arrangements which would continue to be to a single 3 bed dwelling and one bedroom annexe.
- 6.22 In this regard, CS policy MT1 would be satisfied.

Conclusion and Planning Balance

- 6.23 The level of objection and the nature of concerns expressed in response to this application is acknowledged and it is clear that much of this results from the potential precedent that would be set by allowing a building that is described as tantamount to a new dwelling. In planning terms, the position is more nuanced when proposals involve accommodation that is capable of independent occupation but where the intention is to maintain a level of use that is ancillary to the main dwelling. In this case it is considered that the intended use of the annexe would be incidental to the dwelling and as such it would not fall foul of CS policy RA3. It is not considered that the annexe would have any significant adverse environmental effect in terms of its visual impact and the application has satisfactorily addressed matters relating to ecological mitigation and drainage discharges. The restriction of occupation that is recommended is such that there would be no intensification in vehicular access to and from the site beyond that which might lawfully occur and as such whilst respecting the concerns that have been expressed, I do not consider that there is any conflict with policy that would justify the refusal of this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

- :
1. **A01 Time limit for commencement (full permission)**
 2. **B01 Development in accordance with the approved plans (Drawing Nos. 809 PL02 Rev A)**
 3. **C01 Samples of external materials**
 4. **CG3 Roofing Materials**
 5. **F08 No conversion of garage to habitable accommodation**
 6. **F13 Restriction on separate sale**

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 7. **F28 Occupation ancillary to existing dwelling only (granny annexes)**
- 8. **G04 Protection of trees/hedgerows that are to be retained**
- 9. **H27 Parking for site operatives**
- 10. **I16 Restriction of hours during construction**
- 11. **Unless otherwise agreed in writing by the Local Planning Authority; as advised by the applicant in an email (“Subject: Re: 182086 - 3 Rocklands Cottage” dated 17th August 2018,) foul water shall be managed through connection to the existing septic tank that discharges final outfall through a soakaway drainage field.**

Reason: In order to comply with Habitat Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan Core Strategy policies LD2 and SD4.

- 12. **Prior to first use of the new annexe evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least two bat roosting enhancements and two bird nesting boxes built in to, or attached to the new annex should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. External habitat boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement feature, adjacent track or habitat.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013

- 13. **CE6 Efficient use of water**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **N11C General**

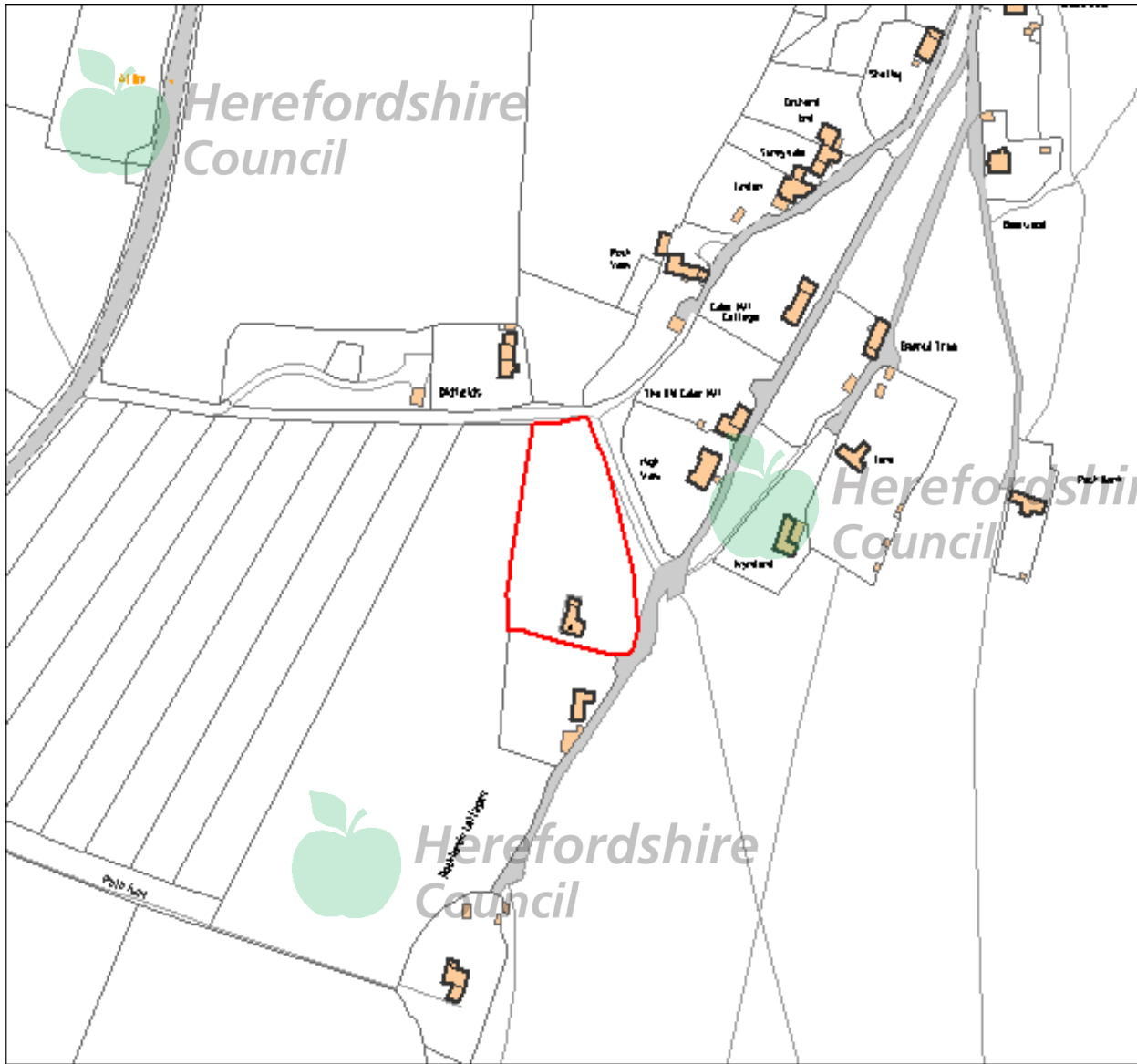
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182086

SITE ADDRESS : 3 ROCKLANDS COTTAGES, BEARWOOD COTTAGE LANE, GOODRICH, HEREFORDSHIRE, HR9 6JQ

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