

**5 DCNW2008/0130/F - PROPOSED CHANGE OF USE OF SITE TO INTERNATIONAL CENTRE FOR BIRDS OF PREY. PROPOSED AVIARIES; CLINIC/RESEARCH BUILDING; TOILET BLOCK; VEHICULAR ACCESS AND CAR PARK; PORCH TO CAFE/SHOP AND ASSOCIATED WORKS AT LITTLE ORCHARD FARM, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9AS.**

**For: Mrs J Parry-Jones per Alcocks, Chartered Surveyors, Palace Chambers, 3 King Street, Hereford HR4 9BW.**

**Date Received: 15 January 2008**

**Ward: Golden Cross  
with Weobley**

**Grid Ref: 42628, 59040**

**Expiry Date: 15 April 2008**

Local Member: Councillor JHR Goodwin

A member site visit was held at 10am on 22 April 2008 and was attended by the Case Officer and Landscape Officer (Mr C Mayes). At this site meeting, the applicant had marked out the position of each aviary structure and the Council Officers demonstrated the heights to eaves and ridge for members.

There have been a number of additional representations submitted since the last committee. These plus the updates given verbally have now been included in the report at sections 4 and 5.

Additional information has also been received from the applicants' agent in response to some of these representations and this report has been updated accordingly in section 5

### **1. Site Description and Proposal**

- 1.1 The application site comprises a 7.5-hectare parcel of land current by a mix of orchard and agricultural. There are also two existing agricultural style buildings that were formally the farm shop/café and a storage building. In addition to this a 'flying hall' and extension to the existing building have recently been erected on the site under application number NW2007/1600/F. These are located on the south of site adjacent to the road and the existing access and parking areas.
- 1.2 The application site lies on the northern side of the C1035 that runs from Lawton Crossroads (Leominster) into the village of Eardisland and is known as Orchard Farm. The site lies approximately 500m to the east of the village.
- 1.3 The site slopes gently upwards from south to north with the orchards on the south facing slope. Beyond the brow of the hill to the north east of the site is a plantation of coniferous trees. The site has a well established mature boundary hedge of mixed native species.

- 1.4 The proposal is for the change of use of the land to an International Birds of Prey Centre. The centre would be open to the public and includes a shop, educational visitor centre and cafeteria as well as offering the opportunity to view the birds, see flying demonstrations and learn about the origins, habits and care of Birds of Prey from around the world. The applicant currently has 170 birds and this may extend to 200 over time.
- 1.5 The application has a number of elements including:
- Aviaries (14)
  - Clinic / Research Buildings (1)
  - Moulting Barn (2)
  - New Vehicular Access and Car Park and associated Works
  - Toilet Block (1)
  - New Entrance Canopy to Visitor Centre
  - Landscaping Scheme / Footpaths and boundary treatments including a areas for flying arena and an owl flying area
- 1.6 To take these in more detail:

#### Aviaries

The proposal includes provision for 14 aviaries located on the eastern side of the site and varying in size and scale. These will follow an educational trail starting at the south immediately in front the visitor centre and then winding upwards towards to the north east of the site and top of the incline.

There are 14 buildings proposed, detailed plans of each have been provided and range in size. The majority of these have an eaves level of 2.6 to 3m and a ridge height between 3.5 and 4.3m. These are located on the incline. Those with higher ridges are set towards the south and have maximum ridge heights of approximately 5.6m. Where these are sited on the incline they are shown to be set into the hillside and existing orchards, some of which will be removed. Plans showing the section through the site have been provided to demonstrate this. The built form of this development has been kept to the eastern half of the site.

The aviaries have tow open sides (longest sides) which will have black wire mesh through which to view the birds. The side elevations will be timber clad and the roof with be a Farmscape Anthracite with some rooflights (as per the existing building on site).

#### Clinic / Research Building and Moulting Barns

Three buildings are proposed to the east of the site. The first is the Research/ Veterinary building that would accommodate a critical care room, research laboratory and veterinary examination room. These are for use in connection with the Birds of Prey centre only and are not intended to be used to offer any other veterinary services. They are a necessary part of the centre in order to care properly for the birds and to continue the applicants research.

The Research / Clinic building would be 'L'-shaped with a maximum width of 10.6m, an eaves level of 2.5m and ridge height of 3.2m. The building would be timber clad, with a brick plinth and profile sheet roof to a colour to be agreed.

To the north of this are two barns that would be used to house moulting birds. These would not be open to the public but are integral parts of the welfare of the birds. These barns have a footprint of approximately 23.5m by 11.3m and an eaves level of 2.4m. The ridge is 4.3m. These barns would be timber clad to the east and west elevations but would have open sides to the north and south, a black matt mesh providing the means of enclosure for the birds.

For clarification purposes the sizes of the proposed buildings, and those already sited (for reference) are supplied below.

Drawing No	Building Name	Footprint	Eaves Height	Ridge Height
881	Moulting Barn 2	22.5m by 11.3m	2.4m	4.3m
882	Moulting Barn 2	23.m by 11.3m	2.4m	4.3m
883	Barn Owls	8.5m by 7.6m	2.6m	3.7m
884	Ty Owls	7.6m by 9.6m	2.4m	4.3m
888	Small Falcons	10.95m by 10.1m	2.6m	4m
889	Large Falcons and Caracarcus	14.4m by 13.7m	3m	5m
890	Buteos and Harriers	12.6m by 12.5m	2.6m	4.4m
891	True Eagles	22.5m by 12.5m	3.35m	5.7m
892	Old World Vultures	24m by 15m	3.35m	5.7m
893	Kites	14.4m by 12.5m	2.7m	4.6m
894	Fish Eagles	14.95m by 25m	3.35m	5.6m
895	New World Vultures	18.28m by 14.95m	3.33m	5.6m
896	Hawk Walk	46m by 36.8m	2.2m	3.9m
906	Eagle Owls	20.4m by 11.3m	2.5m	4.1m
907	Wood Owls	21.6m by 11.3m	2.5m	4.1m
1586/5	Toilet Block	5.3m by 7.9m	2.5m	3.2m
1586/6	Research Veterinary rooms	10.65m by 10.65m Max	2.5m	3.2m
861	Flying Hall (Temporary Aviary – Existing)	31.5 m by 18.3m	3.4m	6.2m
865	Extension to barn (visitor centre and temp aviary - existing)	12m by 18m	3m	4.6m

#### New Vehicular Access and Car Park and associated Works

The existing access point to the site has restricted visibility to the west. As such a revised access is proposed some 40m to the east. The existing access would be closed prior to the first use of the site, a new hedge planted and grass verge planted in place of the existing concrete drive. The new access leads to a new car park with spaces for 64 cars (including 8 disabled spaces). There are also 3 coach parking spaces. It is intended that the grassed area to the north of this would be able to accommodate overspill car parking on days that this is necessary. Cycle racks have also been detailed. It is intended that the car park not be tarmac but be a permeable surface, fully drained. A designated footpath from the car park to the entrance is also detailed as is an assembly area (intended for groups etc).

Toilet Block

To the north boundary and in a central position a toilet block is shown. This building would have a footprint of 7.9m by 5.4m, an eaves level of 2.5m and ridge of 3.2m. It would be timber clad with profile sheet roof and provide male, female and disabled facilities.

New Entrance Canopy to Visitor Centre

The Café / Visitor Centre received consent for its change of use and extension in July 2007 (NW2007/1600/F). The proposal is to modify the east elevation of this building that was formally the farm shop to provide central feature in the form of an open canopy (timber posts) with a glazed arched roof. The canopy would have a footprint of 4.3m by 5m, eaves level of 2.5m and ridge of 3.3m.

Landscaping Scheme / Footpaths and boundary treatments including a areas for flying arena and an owl flying area

A proposed layout plan was submitted with the application that provides a detailed overview of the hard and soft landscaping for the site. This includes the car park, footpaths (mown tracks, grass pave (erosion resistant pathways in grass) and gravel tracks), paving, and spectator benches for the flying areas, park railings, fences and areas of the siting of picnic tables.

- 1.7 Submitted with this application are detailed plans of each building as well as a layout and landscaping plans, topographical surveys and sections. In addition to this the following were submitted with the application:

- Details of the Biodisc Treatment Plant,
- A written Outline Landscape Proposal
- Ecology Survey Report,
- Design and Access Statement
- Disposal of Aviary Waste (Method Statement)
- Flood Risk Assessment

**2. Policies****2.1 National Planning Guidance**

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas
- PPS9 - Biodiversity and Geological Conservation
- PPS25 - Development and Flood Risk
- Good Practice Guide on Planning for Tourism

**2.2 Herefordshire Unitary Development Plan 2007**

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S7 - Natural and Historic Heritage
- Policy S8 - Recreation, Sport and Tourism
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement

Policy DR4	-	Environment
Policy DR7	-	Floodrisk
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T11	-	Parking Provision
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST13	-	Rural and Farm Tourism Development

### 3. Planning History

3.1	94/0539/N	Erection of a portal framed building for storage and farm shop	-	Approved
	95/0114/N	Replacement Storage Buildings	-	Approved 10.04.94
	DCNW2004/0955/F	Proposed extension to form produce store, proposed building for tea room and public toilets, admin office	-	Approved 10.05.04
	DCNW2004/3154/F	Proposed extension to form two covered areas, two polytunnels and alterations to car park	-	Approved 22.10.04
	DCNW2007/1600/F	Erection of extension and new indoor flying hall. Temporary Use of Existing and proposed structures as holding aviaries then reverting to use as a visitor centre and flying hall.	-	Approved 24.07.07
	DCNW2007/1602/F	Temporary Siting of a mobile home (12 months)	-	Approved 10.09.07

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Environment Agency:

"We have no objections, in principle, to the proposed development but recommend that if planning permission is granted the following planning condition is imposed:

#### Flood Risk

The site is located in Flood Zone 1 (low probability flood risk) where the proposed development is appropriate in accordance with PPS25 - Development and Flood Risk. The FRA as submitted confirms this and identifies that some lower parts of the site including the adjacent road is at risk of flooding based on our flood zone 3 extent. The application does not propose any buildings or raising of ground levels above existing in this area. As a 'residual risk' the FRA confirms that the site may be inaccessible by road during such a flood event and would not be open to the public.

With regard to surface water we note that soakaways are proposed, to cater for the majority of surface water runoff, which is an acceptable form of SuDS, in line with PPS25 and Policy DR7/DR4 of the Herefordshire UDP. We also acknowledge that there will be some surface water disposal to the lake as proposed, which would be appropriate.

#### Pollution Prevention

Given the scale of the proposed car park, with a combined capacity of more than 50 spaces in total we would recommend, in line with our Groundwater Protection Policy and Practice and PPS23, that an oil interceptor is incorporated in to the design of the car park prior to discharge to any watercourse, surface water sewer, soakaway or water body. The following condition is recommended to secure the above.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and associated hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.”

#### Internal Council Advice

4.2 The Conservation Manager makes the following comments:

#### Archaeology

Having re-assessed the records relating to the 'pre-historic camp' on the northern margin of the application area, and having made a full site visit to check the records against the ground evidence, I am now of the clear view that the camp is in fact the remains of an infilled quarry of comparatively recent date. Having fully appraised the topography and former land use within the application site, I also have much less concern about the impact of the proposed works. In these circumstances, I no longer think it is necessary for the applicants to submit an archaeological evaluation.

#### Landscape

- The proposed development of the Birds of Prey Centre is effectively in open countryside and will, therefore, represent a significant change to the character of the area; however, the proposal is unique and assessment of the impact of the development needs to reflect this. The proposal presents a rare opportunity to create a 'designed landscape' and gardens in conjunction with the avian collection: this is very much in the tradition of zoological and botanical gardens found throughout Britain. It is unlikely that any previously undeveloped site would not undergo significant change in the face of such a development and assessment of the impact of the proposal should therefore be restricted to the capacity of the site to accommodate change and the desirability of such a development in the area. I believe the proposal satisfactorily meets both of these; the site being both capable of accepting such a change and the 'redevelopment' of the site and the potential contribution of the development to the area being desirable.
- The site is located in the 'Principal Settled Farmlands' landscape type, as defined in the Herefordshire Landscape Character Assessment. This is the most common type of landscape found in the lower lying parts of the county and generally defines its agricultural core. The general pattern of the landscape is one of medium sized

fields of mixed agricultural use (including commercial fruit production), defined by closely managed hedges. The dispersed nature of settlement within the landscape results in buildings of a variety of sizes, materials and ages being generally visible at all times. Trees and hedges are a defining element of this landscape and whilst predominantly native species are present, in an around villages and towns the use of ornamental and exotic specimens becomes frequent.

- Specifically, the proposed buildings are functional in form and character and the materials used not dissimilar to many small scale agricultural and equine buildings commonly found in the landscape. Whilst the number and massing of the structures is a departure from the norm, I do not feel that the impact on the character of the area will be any more than neutral (neither making a positive contribution to the character of the landscape by enhancing or restoring existing or past elements, nor detrimental through the introduction of an incongruous element). The location of the structures reflects and respects the topography of the site, the effect being a minimal impact on the character of the landscape; the structures are not imposed on the hillside.
- The proposed landscaping and accompanying landscape strategy are clear and appear to address the functional demands of the site, realise the educational opportunities presented by the proposal (the association of flora and fauna from different parts of the world) and will create a pleasant and interesting environment for visitors. The use of native tree and shrub planting to the peripheries of the site and the retention of significant portions of the existing orchards further help to assimilate the development into the landscape.
- I consider the proposal to also compliment the cultural character of the landscape, recognising the diversity of activities present in the rural community. Amongst other things the historic associations of falconry and the wider landscape are generally unknown and misunderstood and the opportunities for interpreting this part of our cultural heritage are apparent.

I would support this application.

#### Ecology:

Thank you for consulting me on the above application. I have received the ecological report by Betts Ecology dated April 2007 and note that there is currently limited biodiversity value in the site, apart from the hedgerows and badger sett. A licence from NE may be required if any of the works are within 30m of the badger sett (if it is still active when development proceeds). This will need to be clarified prior to development. The current proposals do not appear to impact upon the area where the badger sett is thought to be located, but it should be ensured that no heavy machinery or equipment are used in the vicinity of the sett.

I welcome the biodiversity enhancement measures (ponds, woodland, grassland etc) that are proposed upon the site. The applicants should ensure the use of native species (preferably of local provenance) in planting schemes. My only concern is the loss of hedgerow along the roadside in order to create a new access. The Hedgerow Regulations 1997 state that a new access can be made if an existing one is blocked within 8 months of its creation. This is proposed in this application, and I am therefore satisfied that the ecological network will be maintained. I recommend that translocation of the hedgerow from where it is to be removed to where the existing access is to be blocked is attempted, and 'planted-up' if any of the shrubs fail.

I have no objection to approval of this application subject to the inclusion of the following non-standard conditions:

"The recommendations set out in the ecologist's report dated April 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Prior to development, a habitat enhancement scheme with details of planting specifications should be submitted to the LPA and implemented as approved.

Prior to development, a habitat protection scheme to protect the area around the badger sett shall be submitted to the LPA and implemented as approved."

Reasons:

To ensure badgers are protected under the Badgers Act 1992 and policies NC1, NC5, NC6 and NC7 within the UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

4.3 Transportation Manager - recommends that any permission that this authority may wish to give include the following conditions: H29, H1, H30, H05 plus various informative notes.

4.4 Environmental Health Manager - notes the following:

Licensing –

That the proposal would require a Zoo's licence.

Pollution

There is the potential for noise nuisance to be caused due to the number of birds that will be kept and the proximity of the property known as Lower House. However I am not aware of any complaints that have been received regarding noise or nuisance from the farm. Good management techniques of the birds and the site will prevent excessive noise and I believe the powers under the Environmental Protection Act 1990 are sufficient to investigate and deal with any complaints received.

In addition, there may be the likelihood of increased 'people' noise from visitors to the site, particularly in areas with high vehicle movements or large numbers of people. I note that the car park is to the east side of the site, some distance from the nearest residential property and the spectator benches are also at the far end of the flying area. If changes to these plans were made in the future, the noise impact should be assessed to determine if this is likely to cause complaints.

I would therefore make the following recommendations:

E03 - Restriction on hours of opening

The use hereby permitted shall not be open to visitors between the hours of 8pm and 7am daily.



Reason: In the interests of the amenity of the existing residential property in the locality.

F32 - Details of floodlighting/ external lighting

Details of any floodlighting or external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities

F40 - No burning of materials/ substances

No materials or substances shall be incinerated within the application site.

Reason: To safeguard residential amenity and prevent pollution

**4.5 The Councils Tourism Officer has made the following comments:**

I write in support of the above application to develop and establish an international Centre for Birds of Prey. This facility will provide a much-valued venue for visitors to Herefordshire and help to lift the profile of Herefordshire.

The additional investment into the provision of this facility will be beneficial both in economic terms via job creation. This will also increase investment into the local economy through the purchase of local goods and services.

Visitor attraction provision of this type is very limited in the county and with the growth of activity tourism in the county, this development will assist with the provision of a much needed facility. The development will also bring in additional economic benefit to the area.

**5. Representations**

5.1 Eardisland Parish Council are all in favour of this application and are very happy to support this application and feel that it will be very good for the village. We do feel that drainage and highway department should look into drainage. Also that Archaeology should be contacted as an Iron Age Fort is located within the site.

5.2 Letters of Concern have been received from:

- Dr Keith Michell, Arrow Lea, Eardisland
- Dr and Mrs Ingham, Monks Cottage, Lyme Lane, Eardisland
- Gay Dobbs, Lower Hezetree, Eardisland
- Mr Beard, Crown Cottage, Eardisland
- Mr P Brown, Lawton Lea, Eardisland
- Mr and Mrs Fox, Mayfield, Eardisland
- Mr R Kirby - The Old Barn, Lyme Lane, Eardisland
- Mr Vernon (email)

Further letters of concern / objection were received since the last report was published from the following.

Mr and Mrs James, Glan Arrow, Eardisland  
B A Lloyd, Cider Hall, Eardisland  
Mr P Brown, Lawton Lea, Eardisland  
Mrs K Mitchell, Arrow Lea, Eardisland  
Mr P Beard, Crown Cottage, Eardisland

Also a copy of a joint letter sent by James MacRae, Riversdale to Cllr Phillips and signed by:

- Mr and Mrs James, Glan Arrow
- Mr and Mrs Peter Brown, Lawton Lea
- Mr and Mrs K Mitchell, Arrow Lea
- Mrs C Price, Lyme Cottage
- Ms L Watkins, Millstream Cottage
- Mr and Mrs T Lazenby – Glan Arrow Mill
- Dr and Mrs B Ingham – Monks Cottage
- Mr and Mrs H Vernon – The Oaks
- Mr John Edwards – Swandrift
- Mr Kirby – The Old Barn

A second joint letter was sent from:

- Charlotte James, Tom Lazenby, James MacCrae, Cherry Brooks, Lyn Watkins-Ray, Keith Mitchell, John Edwards

These letters can be summarised as raising the following issues:

- The development is too large for the village and will dominate with traffic, lighting and noise.
- Visual Impact - Structures on higher ground and quite extensive. What mitigation and assurances will be offered.
- The buildings will (on the basis of what is already there) have a visible impact on the approach to the village.
- Landscaping is unlikely to obscure these buildings within a reasonable time span.
- Majority of buildings proposed are small with low ridge heights, some are more substantial and of significantly greater height. These are located on higher ground.
- Light Pollution - That illumination needed for security and movement of people is restricted so that there is not 24 hour illumination.
- No lighting detail has been provided. This could cause serious light pollution.
- Sound / Noise Pollution - Sound systems/ high noise levels of amplified music announcements and commentaries throughout the day may operate and cause disturbance. Volume should be carefully scrutinised. Could individual hearing devices be used for flying areas?
- Water and Flooding - The area is well known for its serious flooding and it is essential that this development does not add to this.
- The introduction of the hard surfaced areas shown will only exacerbate the flooding situation.
- Strict Conditions should be imposed to ensure drainage is sufficient
- Landscaping and Screening - Landscaping and screening should be provided that will significantly reduce the impact on views, especially from surrounding properties.

- Traffic Impact - There will be an increase in traffic on what is a relatively busy but narrow country road. Parking on the road should be enforced against
  - Increase in numbers of traffic is considerable. Previous use was not busy and all traffic movements should be considered as new.
  - Impact on Local Wildlife - This could be significant and long term with the removal of nesting areas and feeding areas.
  - Opening hours should be restricted
  - Potential for extending the 40mph speed limit
  - The large centre would be intrusive and result in an unacceptable disturbance to the local environment
  - Request that the buildings are pegged out on site and poles erected with to the height of the building in time for the committee site visit.
  - Eardisland is a Conservation Area and so special consideration should be given to the aesthetic values of the immediate area outside of the conservation Boundary.
  - The flying hall building that was erected that year is clearly visible from many angles within the Conservation Area.
- 5.3 Some of these letters acknowledge that they do not object in principle to the Birds of Prey Centre and acknowledge its contribution to tourism in the area and the excellent facility but they do raise concerns similar to the above.:
- 5.4 One letter of support has been received from Miss S J Rumble, 24A Hayes Street, Bromley who was a former employee of the applicant. This letter can be summarised as follows:
- The National Birds of Prey centre used to get visitors from all over the world, but on occasions local residents did not even know it was there
  - There will be changes, but they won't be offensive or intrusive. The centre at Newent had minimal lighting, the visitors were always respectful of the birds and noise levels reflected this.
  - The scheme is an opportunity to boost tourism; Newent only ever reaped the rewards to having such a World Renowned significant specialist on the doorstep.
  - The applicant has unrivalled expertise and knowledge, relentless energy and enthusiasm, dedication and commitment.
- 5.5 The application also includes some supporting information submitted by the applicants' agent and this can be summarised as follows:
- The applicant (Mrs Jemima Parry-Jones) previously ran the Falconry Centre in Newent, Glos.
  - Unusually because the applicant is relocating all of her bird collection from elsewhere, the proposal entails the creation of her entire facility in one step rather than over a number of years and phases. With her extensive experience, the applicant can reasonably predict the appropriateness of the form and composition of her proposal in relation to her aims and its likely success in both conservation and tourism terms.
- 5.6 Additional information has also been provided as follows:
- The intended opening hours of the Centre are 10.30am – 5.30pm seven days a week from 1 February to the 30 November. Additionally there would be a few invitation-only evening events plus about 10 open evening per annum (including owl flying demonstrations). All of these would finish by 10pm.

- 5.7 In response to the letters of objection and concern and to queries raised by the local planning authority the applicants agent has submitted a further letter outlining the background to the application. This is as follows:

*In a 12-month search of six counties, the subject site was the first one which met all the criteria, i.e:*

- *In open countryside and close to an existing settlement;*
- *Not exposed to high winds;*
- *On a "white-line road" to avoid congestion but not one where the volume and speed of traffic makes achieving a safe access unviable;*
- *Commercial use already established, reducing the impact of the change of use;*
- *On a tourist route to enhance visitor numbers.*
- *Large enough to accommodate sufficient aviaries to house the whole collection in suitable conditions both with regard to the size of the aviaries and their spacing.*

*It is a statutory requirement that any establishment that keeps non-indigenous species and is open to the public for 7 days or more per year must implement the following measures: participation in research from which conservation benefits accrue to the species, and/or training in relevant conservation skills, and/or the exchange of information relating to species conservation and/or, where appropriate, captive breeding, repopulation or reintroduction of species into the wild and promoting public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats (source: EC Zoos Directive/Zoo Licensing Act 1981 as amended).*

*The site has been designed with the aviaries in taxonomic order (the order in which the groups evolved). Each group is housed together to demonstrate the differences between species within that group. Planting around aviaries will reflect where the possible the geographic range of the species housed within.*

*The widths of the aviaries are based on measurements of just over double the widths of the wingspan of the various birds to allow them to turn in flight. The lengths of the aviaries are calculated to allow the birds to take off and land without damaging themselves. Reducing the aviary size is not an option: the regulations were written by the applicant when chair of the Government-appointed Zoos Forum and SHE has always led in terms of standards of welfare, having been made MBE for services to bird conservation. It is intended that the new Centre will both maximise welfare of the birds and set standards for other establishments.*

*As well as maximising the educational facilities, careful consideration has been given to conservation. Birds of prey are generally territorial creatures and facilities have to be designed and laid out so that similar species do not see one another and so disturb their breeding. The Centre has been designed with this in mind.*

*The Centre will provide a new base for the applicant's research and captive breeding programmes including a major project for the Indian Government. These are not*

*ideas for the future, they are firmly established though currently impeded by lack of accommodation. For operational and security reasons the programmes could not be housed off-site and it would not be exaggerating to say that further delays could threaten some species.*

*The provision of moulting barns is also a statutory requirement.*

*In addition to the planting referred to above, it is intended to plant screens of semi-mature trees (8 m – 11 m high, see attached information sheet) together with other trees and shrubs over 3 m high, against an average eaves height of 2.56 m and an average ridge height of 4.45 m of the buildings, taking the buildings' highest point and ignoring their being cut into sloping ground. I enclose herewith copies of photographs of the applicant's former site when it was in her ownership, showing successful screening of the buildings in much the same way as is proposed for Eardisland.*

*I enclose copies of a number of testimonials to the effect that Mrs Parry-Jones has been a considerate neighbour and highlighting some of the advantages that the Centre will bring to the area.*

*It is to be hoped that Members will grasp the opportunity to have such a Centre of Excellence in the county, in a position where it will have neutral impact on the area and where it will be best placed to enhance tourism and provide important facilities for education and conservation*

The following additional information from the agent was reported at the previous meeting:-

1. Proposed condition for removal of buildings if present use ceases:

*All the aviary buildings, including the Hawk Walk courtyard, are demountable without concrete floors and of sectional construction. We would be content with a condition to remove them if the existing use ceases. The clinic and toilet block will be permanent construction and might be a bit more of a problem. I am assuming that this condition would only apply to the buildings the subject of the present application.*

2. Drainage:

*Stormwater from the Hawk Walk to the aviaries for New World Vultures, Kites, Fish Eagles and Old World Vultures will drain to the existing field drainage system which discharges to the river. That system is presently blocked and causes ponding on the land, which will disappear when the system is repaired. Stormwater from all other buildings will be drained to the lake. Application has been made to the Environment Agency to discharge the outlet from the bio-disc and the lake overflow directly to the river, which can be done by laying a new drain under the road but does not involve crossing anyone else's property (contrary to how the Ordnance Survey sheet looks). There will be no new impermeable ground surfacing created by the proposal: indeed, part of the existing concrete will be removed to create the new green verge across the existing access.*

3. Staffing:

*It is intended that the research facility will in due course be staffed by a Professor – they are already queuing up! There is already a LANTRA man working on the site who will be retained provided that the application is approved. Other projected staffing is 3 (café), 2 (shop), full-time horticulturalist and 6 specialist staff to care for the birds.*

4. Clinic building:

*I confirm that this will be used only in connection with the ICBP. The birds are already providing a useful increase in business for the local vets.*

5. Visitor numbers:

*We anticipate these increasing from an initial rate of 20,000 visitors per annum.*

6. Public address system:

*There is no intention to have any music whatsoever! A low-powered uni-directional system will be used for commentary when the birds are flying. The two small speakers will be housed to ensure that they are heard only by the audience. Positioning the viewing area where it is will ensure that the speakers are well away from the immediate neighbours and pointing away from them.*

7. Screening:

*The landscaping plan speaks for itself. Tree planting at the south-west corner and west boundary of the site will involve semi-mature trees approximately 20 ft. high. The car park area will be screened by trees/shrubs 8 – 10 ft high when planted. The 4 buildings which partly encircle the Hawk Walk on the west side will be screened by a fast-growing beech hedge, which will be allowed to grow. The “high level” buildings – i.e. the 5 owl buildings – will be more or less concealed by the existing conifer tree plantation at the top of the site, which will be augmented. The moulting barns will be screened by three existing lines of apple trees to the west and the existing tall hedge to the east. Incidentally, over and above the landscape plan, the applicant has already planted a line of chestnut trees down the east boundary. Unfortunately, the objectors have delayed the application beyond the planting season so they will have to wait until the autumn for the screening to start.*

8. Traffic:

*Extrapolating the Council's own traffic census for 12th – 18th September, 2007 gives a total monthly traffic-flow past the site in both directions of 9,064 for September. Our estimated traffic flow for September, 2008 is 660 vehicles which gives an increase of 7.3%. The road would of course be busier at other times, when visitors to the site would also increase in number. Our predictions are that the percentage would stay about the same. However, the annual percentage increase will be lower due to almost zero activity on the site in December, January and February.*

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

## 6. Officer's Appraisal

6.1 The key issues for consideration are:

- (a) Principle of development
- (b) Landscape Impact and the character of the area
- (c) Highway Impact and sustainability
- (d) Drainage / Flooding
- (e) Potential for noise and disturbance
- (f) Lighting
- (g) Archaeology
- (h) Ecology

### Principle of Development

- 6.2 Policy S8 of the Unitary Development Plan (2007) make provision for appropriate new facilities for tourism that meet the needs of communities and visitors and contribute to local economic development, employment and community regeneration. Tourism developments are expected to respect the character of the County and locality, provide for sustainable use of indigenous features and resources, offer improvements to visitor management in pressure areas and sensitive environments and avoid or minimise intrusion on local communities.
- 6.3 Policy RST1 explains the criteria that such proposals should meet. In particular developments should not harm the amenities of nearby residents, should respect the environmental character and resources and wherever possible be accessible by a choice of modes of transport. Proposals in Open Countryside, as this is, should only be permitted where the Countryside is the primary resource for the proposal and the rural landscape and environment is sustained and there are no suitable buildings capable of conversion, they are small scale and are ancillary to the primary proposal.
- 6.4 The proposal is unique in its requirements and in the level of development needed to provide the Centre. The applicants' extensive experience, knowledge and collection of Birds is a primary reason for entertaining the creation of such a centre. The benefits of such a centre as a tourism attraction for the County and for the Historic Village that is part of the 'Black and White Trail' is accepted but this must be balanced with the impact that the development would have on the landscape, locality, highway network and the impact that this may have on the amenities enjoyed by neighbouring properties.

### Landscape Impact and the character of the area

- 6.5 A development of this size and scale, will undoubtedly have an impact on what is essentially agricultural land. It will, by its nature change the character of the area. I refer to the comments of the Conservation Manager (Landscape) detailed in full in paragraph 4.2 of this report, on this matter and concur with those views.
- 6.6 The views expressed by local residents are also accepted; the proposed landscaping will take time and will not be an instant 'screen' to the development. It is therefore proposed that a fully detailed planting scheme be submitted in addition to that already submitted and that some mature stock is used to promote the landscaping. It should also be noted that the mature boundary hedge and some of the existing orchards are to be retained. Whilst the eastern half of the site will have a more structured landscape

approach, the western element will be much more informal allowing for areas to walk, and for the flying demonstrations that will take place.

- 6.7 Local concerns have raised issue with the amount of and size of the buildings. These have been designed to keep the heights at a minimum but to still provide for the welfare of the birds. Care was also taken to keep the higher aviaries at the lower part of the site and to ensure that the aviaries were set into the ground where the ground rises.
- 6.8 In this respect, and having regard to the economic (tourism) value that this development would have and the long term landscape proposals that have been submitted, the proposal accords with policies S7, S8, LA2 and LA6 of the Unitary Development Plan (2007).

#### Highway Impact and Sustainability

- 6.9 The site is located on the C1035 which approaches the village from Leominster (B4529) and Pembridge (A44). This proposed use of the land will increase in traffic movements on these highways. The Council's Transportation Manager has raised no objection regarding the intensification of road use or the roads capabilities to cope with the increase. The applicant has been in discussion with the relevant highways department to ensure that signage (Brown Directional signs) to the site will bring people to the site from the east and not through the village and this should restrict additional movements through the village itself. It is however likely that people attracted to the area because of the Centre may wish to explore some of the surrounding tourist attractions and villages.
- 6.10 The Transportation Manager has also negotiated a new access, with improved visibility, into the site. The existing access would be closed prior to the use of the centre by the public and would be closed by means of a hedge and the grass verge reinstated to prevent persons parking within the visibility splays required by the new access. Full details of this are requested by way of a condition. There is also ample provision for vehicles on site, including overflow car parking that could be used if the necessity occurred. Secure cycle parking is also proposed and the site benefits from being on an existing bus route.
- 6.11 In terms of sustainability, the site is well placed near to a Main Village, with good highway connections to the market towns of Leominster and Kington. The site is situated on an existing bus routes (494 and 494) linking the site to Kington, Leominster, Presteigne and beyond on a regular basis. The proposal includes provisions of secure cycle parking to encourage cyclists. On this basis, and having regard to the above, the proposal is considered to comply with policies DR2, DR3 and RST1 of the Unitary Development Plan as well as guidance within PPG13 – Transport and PPS1 – Delivering Sustainable Development.

#### Drainage / Flooding

- 6.12 The application site lies within a flood Zone 1, within which the proposed development is considered acceptable. The extreme southern edge of the site comprising a narrow strip parallel to the road, and being the lowest part of the site falls within a Flood Zone 3. This Flood Zone is inclusive of the highway. This was identified at an early stage and raised with the applicant prior to submission. The scheme has incorporated a sustainable drainage system which will dispose of the surface water drainage within the site. Permeable surfaces have, wherever possible been included in the hard



landscaping proposals. The Environment Agency has raised no objection, as detailed above in paragraph 4.1 above, subject to the imposition of the condition suggested. Local residents have raised concern about this and it is appropriate that a full drainage scheme be submitted prior to commencement of development to ensure that these works proposed are undertaken and are capable of retaining any excess water within the site.

- 6.13 The conditions recommended require a complete drainage scheme to be submitted to and approved in writing by the local planning authority prior to commencement. These details will be checked with the relevant drainage engineer to ensure that these are sufficient and will not exacerbate flooding on the highway. Notwithstanding this, I am confident that a sustainable drainage scheme can be accommodated within the site.

#### Potential for noise and disturbance

- 6.14 The use of the land will increase the movements of people and will change the character of the area that is likely to be noticeable to immediate neighbours. A restriction on the hours of opening to the public is suggested in line with those indicated by the applicants as detailed in paragraph 5.5 above. This is less than suggested by the Council's Environmental Health Officer, with the exception of the potential for a few open invitation evenings and 10 evening events (Owl Flying demonstrations, normally around Christmas time). An appropriate condition is suggested.
- 6.15 The Birds of Prey Centre is likely to use some amplified sound when conducting flying demonstrations. This matter is of significant concern locally. The matter has been raised with the applicants and options discussed. A condition that restricts any amplified noise from being heard outside of the application site is suggested. Having regard to the above, the proposal is considered to comply with policy DR13 of the Unitary Development Plan (2007)

#### Lighting

- 6.16 The lighting of the site is also causing quite considerable concern locally. Again this has been explored with the applicant who intends that any lighting, especially around the aviaries would be low level and unobtrusive, both for the care of the birds and due to the impact that this would have on the environment. A condition is suggested which would require a full lighting scheme to be submitted and considerable weight will be placed on this being subtle and necessary. You will also note from the intended hours of opening that the majority of the time the park will only be open in daylight hours and as such extensive lighting for safety is not required. On the basis that a suitable scheme be submitted this would comply with policy DR14 of the Unitary Development (2007).

#### Archaeology

- 6.17 The Parish Council raised the issue of a potential site of Archaeological interest. Archaeology was contacted who confirmed this. The County Archaeologist, was then, after closer site inspection able to confirm that the site was in fact a former quarry and of no significance. As such these concerns have been addressed.
- 6.18 The application was submitted with an Ecological Survey, at officers request. The Council's Ecologist has commented on this as detailed in paragraph 4.2 above. Subject to the imposition of the suggested condition, the ecological interest of the site

has been fully considered and necessary mitigation can be implemented as part of the scheme. As such the criterion of policies NC1 and NC5 can be successfully complied with.

### Conclusion

- 6.19 To conclude, the proposed scheme, although quite extensive in scale, is a rare tourism based opportunity that can be successfully integrated into the site. The site itself is well placed for visitors and offers alternative methods of transport. Conditions are proposed which will alleviate and mitigate against the valid local concerns raised in respect of landscape impact, noise, disturbance, lighting, drainage and potential to increase flooding on the highway. It is accepted that this development will change the character of the area but this must be carefully balanced against the unique tourist opportunity offered to Herefordshire and the tourism and economic benefits that this will bring. The proposal complies with the policies outlined above and with government guidance and its approval is recommended subject to the conditions listed below. At the previous meeting an additional condition was suggested to require removal of buildings upon cessation of the use of the site as a Birds of Prey Centre. This is set out at condition 21.

### **RECOMMENDATION**

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

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

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 B01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings.**

**3 G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**4 No amplified sound/noise shall be audible outside of the boundaries of the site.**

**Reason: To protect residential amenities.**

**5 The proposed Veterinary Clinic and Research Buildings shall be used as ancillary buildings to the Birds of Prey Centre and shall not be open to members of the public or for the operation of any other veterinary business.**

**To define the terms of this permission and ensure that the building is not operated as a veterinary business separate to the proposed centre in the interests of neighbour amenity and highway safety.**

**6 G31 (Details of play equipment)**

**Reason:** To ensure the play area is suitably equipped, landscaped and has a suitable boundary treatment in the interest of neighbour amenity.

- 7** Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and associated hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reason:** To prevent pollution of the water environment.

- 8** E03 (Restriction on hours of opening)

**Reason:** In the interests of the amenity of the existing residential property in the locality.

- 9** F32 (Details of floodlighting/external lighting)

**Reason:** To safeguard local amenities

- 10** F40 (No burning of material/substances)

No materials or substances shall be incinerated within the application site.

**Reason:** To safeguard residential amenity and prevent pollution.

- 11** The recommendations set out in the ecologist's report dated April 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Prior to development, a habitat enhancement scheme with details of planting specifications should be submitted to the LPA and implemented as approved.

Prior to development, a habitat protection scheme to protect the area around the badger sett shall be submitted to the LPA and implemented as approved."

**Reasons:**

To ensure badgers are protected under the Badgers Act 1992 and policies NC1, NC5, NC6 and NC7 within the UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 12** Full details of the proposed spectator benches to the flying area should be submitted to and approved in writing prior to their installation. Works shall be undertaken in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to protect the landscape character of this area of the site.

- 13** G04 (Landscaping scheme (general))

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

14 G05 (Implementation of landscaping scheme (general))

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

15 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

16 H10 (Parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

17 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

18 H05 (Access gates)

Reason: In the interests of highway safety.

19 F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

20 F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

21 Should the use of the site as a Birds of Prey Centre cease, the buildings hereby approved, as well as any foundations or concrete pads laid, footpaths and any resulting debris shall be removed from the site and the land reinstated to agricultural land within 6 months.

Reason: To define the terms of this permission which has been granted given the special circumstances of the use and tourism opportunity provided having regard to policy RST1 of the Unitary Development Plan.

**INFORMATIVES:**

- 1 Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

- 2    **HN01 - Mud on highway**
- 3    **HN04 - Private apparatus within highway**
- 4    **HN05 - Works within the highway**
- 5    **HN10 - No drainage to discharge to highway**
- 6    **HN13 - Protection of visibility splays on private land**
- 7    **HN24 - Drainage other than via highway system**
- 8    **HN25 - Travel plans**
- 9    **N19 - Avoidance of doubt**
- 10   **N15 - Reason(s) for the Grant of Planning Permission**

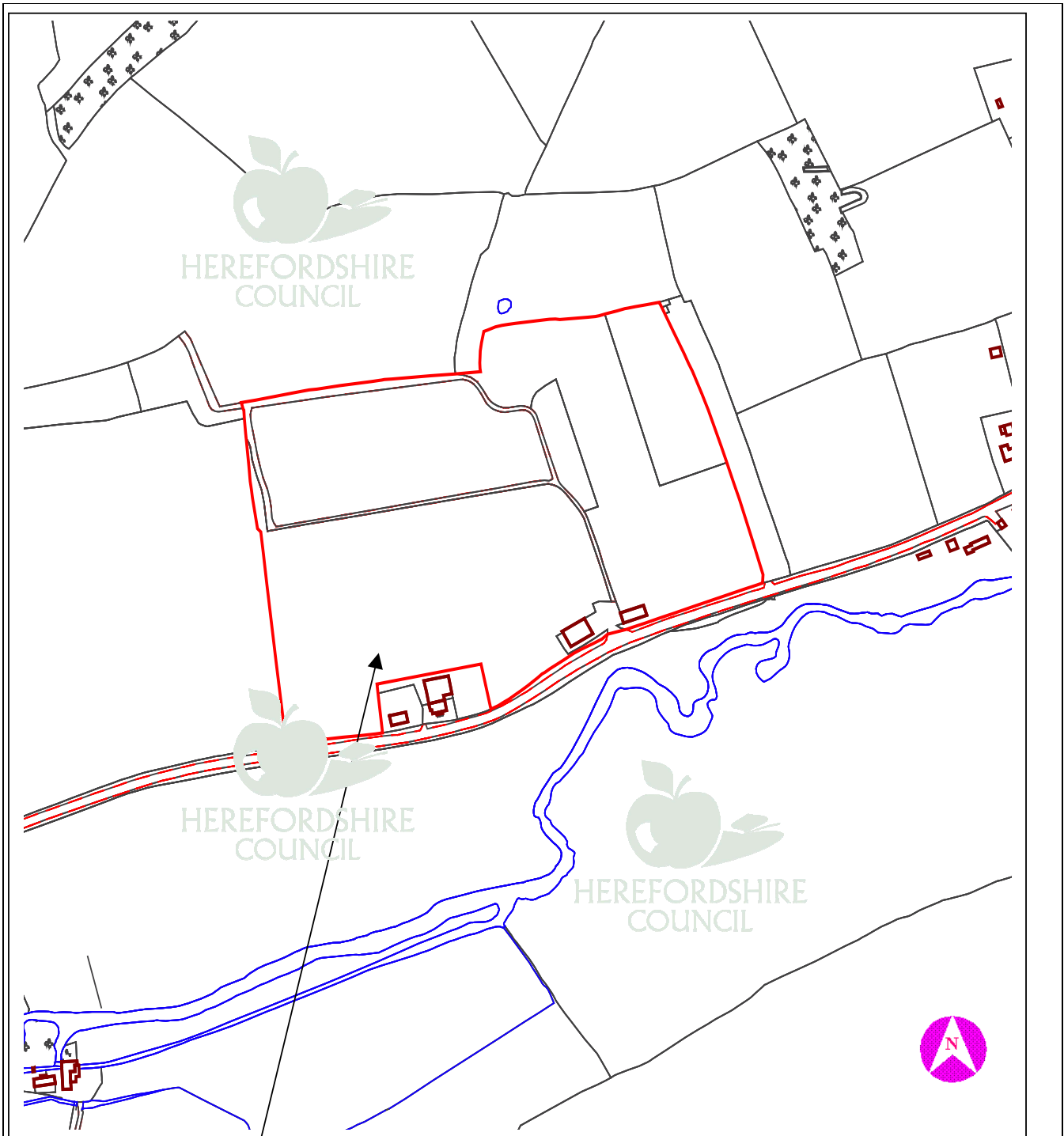
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2008/0130/F

**SCALE :** 1 : 3967

**SITE ADDRESS :** Little Orchard Farm, -, Eardisland, Leominster, Herefordshire, HR6 9AS

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