

MINUTES of the meeting of Northern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7 May 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

180. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, ME Cooper and PJ Watts.

181. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
PM Morgan	Minute 186, Agenda Item 7 DCNC2008/0155/F Land between Dark Lane and A4110, Leintwardine, Craven Arms, Herefordshire, SY7 0LJ	Declared a prejudicial interest and left the meeting for the duration of this item.

182. MINUTES

RESOLVED: that the minutes of the meeting held on 09 April 2008 be approved as a correct record and signed by the Chairman.

183. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the northern area of Herefordshire.

184. DCNW2008/0130/F - LITTLE ORCHARD FARM, EARDISLAND, LEOMINSTER, HEREFORDSHIRE,

The Following updates were reported:

- Further letters of objection and/ or reservation had been received from the following (those marked with an * have previously made representation on this application):
 - Karyn Probert, Yew Tree Cottage, Eardisland
 - Richard Bowen, Staunton House, Staunton-on-Arrow

- Mrs Carolyn Mills, Tallow Wood, Lawton Cross
- *Lynn Watkins, Bridge Cottage, Eardisland
- *Mr James Macrae, Riversdale, Eardisland
- *B A Lloyd, Cider Hall, Eardisland
- *Paul Beard, Crown Cottage, Eardisland (x2)
- *R and RTH Kirby, The Old Barn, Lyme Lane, Eardisland
- *Charlotte and Christopher James, Glan Arrow, Eardisland
- *Dr Keith Michell, Arrow Lea, Eardisland
- *Mr Peter Brown, Lawton Lea, Eardisland (attachments include copies of plans coloured in to show extent of development and a photos of the road during flooding)
- *Gay Dobbs, Lower Hezetrete, Eardisland (copy of letter to EA)

These letters had reiterated concerns and objections listed in the committee report and had raised some **additional issues**, summarised as follows:

- 1) The application lacks details on the increase in traffic movements to and from the site from visitors, staff, suppliers etc. The proposal will create a considerable volume of vehicle movements along this lightly trafficked road.
- 2) Traffic levels are underestimated. Estimates of 20,000 are conservative but it will probably be 2-3 times that.
- 3) The pre application presentation by the applicant did not fully explain the extent and scale of the proposals.
- 4) Any development that adds to the flooding causes concern to those affected. The EA have failed to consider the effect of the development on nearby properties, only the site itself. Can the Councils aim for a Sustainable drainage system actually be achieved? Doubtful that this could be dealt with by way of a condition given the high standard of drainage required. Drainage is very crucial to this proposal and a sustainable drainage system should form part of the application.
- 5) Proximity of village to Conservation Area and the views on the approach and when leaving the village are very important and have not been fully considered.
- 6) The buildings are of substantial structure and are made more prominent by their bulk, colour and close positioning. Landscaping would take decades to reduce the impact and would never be effective in adequately softening the development. The development would be substantial structures made more prominent by their bulk, ridge, prominence, colour and close positioning.
- 7) Concern about not being notified of the proposal and the procedures of the Council blocking residents
- 8) The immediate road frontage by the current entrance / exit floods 2/3 times per year. The proposal states that storm water from some buildings will drain to the new lake. The intention is then to discharge the lake overflow directly to the river via a new drain under the road.
- 9) Request that the application is scaled down and fully address the drainage issues

- 10) What happens to the site if the business fails?
 - 11) Is it right to put a zoo on this rural site 250m from a conservation village?
 - 12) The marginal impact of this type of tourism (day trippers) on the local economy?
 - 13) Bed and Breakfasts and local pubs will benefit from those tourists staying in the area but this has to be balanced between these visitors and those that are simply passing through. The impact on the village from the vast majority of visitors will be to put increasing pressure on an already limited infrastructure. Other visitors who are following the black and white trail may be put off Eardisland because it has been overrun by tourists.
- Letters (emails) of support had been received from;
 - Annette Blythe, Lucton School
 - Helen Simpson, Burton Court
 - Barbara Jones, Lower House, Eardisland
 - Jan and Stuart Burke, The Kings House Restaurant, East Street, Pembridge
 - Martin and Marlene Hewitt (email address only)
 - Walter Jones, Lower House, Eardisland
 - Beryl M Hoda, Arrow Lawn, Eardisland

These letters had made the following points (summarised):

1. Register their favour for the development
 2. The plans are extremely well thought out
 3. Offer support to Mrs Parry Jones who is a leading expert in the field of these birds
 4. It will bring much needed tourism and maybe more employment to the area and is a wonderful opportunity for Herefordians to benefit by having such a centre for us to appreciate birds of prey.
 5. I live next door and fully support the planning application
 6. Record full support for the project which will be a major boost to the economy of this region.
 7. Lived next door to the Birds of Prey Centre at Newent and never had any complaints about lighting, noise, or traffic problems.
 8. Extinction and endangered species are words which we frequently hear – excellent opportunity for both local children and children from surrounding area to learn about conservation, bird behaviour, habitats and wonder at the incredible design of the bird for flying.
- A public meeting had been held at Eardisland Village Hall on Friday 2nd May. 76 members of the public had attended. Minutes and a summary of points made had been submitted. The summary of points (as provided) are as follows:
 - Well built structures – but won't soften with age
 - Concern regarding size and number of buildings
 - Large birds – need space
 - Visual impact
 - Open, exposed site – beech hedges to be grown

- Problem with light – do not want to lose the night sky ensure no security lighting
- Night lighting – jars with night lights and torches
- Traffic – visitors likely to stay longer than at most tourist attractions
- Stagger coach parties
- Car parks – size specified
- Coaches – expect 1 (caveat for 3 spaces)
- Day time disruption only
- Infrastructure in village sufficient?
- Too many visitors
- Benefits to pubs and café
- Visitor numbers?
- Are amenities sufficient – toilets, parking?
- Floods – concern about management of excess water
- Lake will take excess water, what happens if this overflows?
- Business aspects – concern about growth if successful, if it fails what happens to this substantial site don't want an industrial site or housing estate. (Condition on application that if business fails, buildings that house birds are to be removed.)
- Local employment – four people currently working voluntarily
- Benefits for young people
- Courses – photography
- Noise from loud speakers – will be minimal
- Concern about problem with aircraft – no
- Effect on wild birds – no
- Birds of Prey Centre preferable to any other developments
- Very exciting attraction – great asset for tourism
- Another attraction for locals as well as tourists
- Planning caveats requested – No lighting
- Sound to be minimal (e.g. closed loop system)
- Specified number of mature trees
- Management of floodwater drainage
- Design of drainage system.

The meeting had been well attended by 76 members of the public. All of the above are views and opinions expressed by the public and are not a response from the Parish Council.

- Further details were also received from Linden Alcock (Agent) and was noted that these had apparently been forwarded to all members and had included letters of support (testimonials) from:
 - Robin Pote, Former Head of Science at Moor Park, Ludlow, Shropshire
 - Mike Piercy, Headmaster, Moor Park, Ludlow, Shropshire
 - Linda Wright, Teacher of Biological sciences, Haberdashers' Monmouth School for Girls.
 - Martin Flamank, BvetMed MRCVS, Bromyard Veterinary Surgery
 - Mrs C M Simpson, Bouldson, Upton Bishop
 - Nell and Mike Credland, Bouldson Lea, Great Bouldson, Newent
 - Alice Lowe, Black House, Farm, Newent, Glos

The Principal Planning Officer had provided the following update in response:

- On the basis of the continued concern relating to the proposal I have revisited the issue of drainage and would suggest that condition 19 of the report is amended as follows:

No development approved by this permission shall be commended until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The surface water run-off rate shall be no greater than the green field run off rate. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and to comply with Policy DR7 of Herefordshire Unitary Development Plan.

Note: The run-off must be limited to the Greenfield run-off rate and demonstrate attenuation to the 1% plus climate change event in line with PPS25 Annex B2.

The Local Ward Member, Councillor JHR Goodwin, complimented planning officers on the quality of the report, and remarked on the applicant's co-operation in providing additional information. He felt all of his previous concerns about the application had now been satisfied by the updated report, and by the Sub-Committee's inspection of the site following its previous meeting on 09 April 2008. He drew the Sub-Committee's attention to various conditions that had been proposed, should planning permission be granted, and expressed his satisfaction that these conditions would offer adequate controls for the site and the activities taking place therein. He stated that the proposed opening hours of the business, contained in Paragraph 5.6 of the report, were generally less than those recommended by Planning Condition E03, and he felt that they were acceptable. He asked the Council to consider applying a 40 mph speed limit on the C1035 to enhance road safety in the area of the application site.

Councillor WLS Bowen felt that the application would provide excellent facilities for tourism in Herefordshire, and although it would change the landscape of the immediate area, he was satisfied that the planning conditions proposed gave sufficient means to return the land to its former state, should the business cease. In response to a question from him, the Principal Planning Officer confirmed that the final landscaping scheme would include some mature tree stock of approximately eleven metres, to provide effective screening. She also confirmed that she would finalise the details of the drainage scheme with the Council's Drainage Engineer and with the Environment Agency, that the conditions relating to noise on the premises were enforceable, and that the animal burrow on the site was not a badgers' sett, and was more than thirty metres from the development.

Other members expressed concerns about potential traffic flow and the scale of the development, but concluded that there were no planning grounds on which to refuse the application, and that effective conditions were in place to control every aspect of the development.

RESOLVED: 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 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The surface water run-off rate shall be no greater than the green field run off rate. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and to comply with

Policy DR7 of Herefordshire Unitary Development Plan.

Note: The run-off must be limited to the Greenfield run-off rate and demonstrate attenuation to the 1% plus climate change event in line with PPS25 Annex B2.

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**
- 185. DCNW2008/0515/F - LAND TO THE REAR OF MORTIMERS CROSS INN, MORTIMERS CROSS, LEOMINSTER, HEREFORDSHIRE, HR6 9PD.**

The Principal Planning Office reported the following updates:

The report omitted two letters of objection that were received within the consultation period. These were from:

- Mrs Bridget Batchelor, High View Farm, Aymestrey
- Mrs V M Thorpe, Yew Tree House, Lucton

These letters make the following points

- Notes that policy S1 states that developments should respect the needs of local communities and encourage greater self-sufficiency within local communities and should seek more equitable access for all sectors of the community to opportunities for homes
- Notes that policy S8 states that now facilities for tourism will be supported but they should contribute to local economic development, employment and community regeneration and that Tourism development should avoid or minimise intrusion on local communities
- Aymestrey and Mortimers Cross are small settlements. There are about 24 houses in Aymestrey and around 16 in Mortimers Cross (including 8 park homes). There are five holiday chalets in Aymestrey giving a ratio of 5:24 or 1:5. It is argued that by creating such a high ratio of holiday lets by approving the development this would intrude on the local community and conflict with the aims of policy S8. The combined numbers of units between the application is too many for the community.
- The chalets would impact on the residential amenities of neighbouring properties with the comings and goings.
- There is no shop, no tourist based business (cycle or canoe hire, craft workshops, guided walks or pony trekking)
- The development does not offer any elements for developing facilities or attraction.
- There is no need for additional tourist accommodation. The character of the area is primarily agricultural – the proposed chalets would be inappropriate
- The access is onto the busy A4110 which is a busy junction used by lorries and the additional traffic movements would add to the complexity of the traffic movements at the crossroads.
- The site would be better used for affordable housing.

The Principal Planning Officer also reported that a further condition would be required to ensure that access to the public right of way near to the pub car park was kept clear.

In accordance with the criteria for public speaking, Mr K Holland spoke on behalf of Aymestrey Parish Council, Mrs B Batchelor spoke in objection to the application, and Mr P Williams, the applicant, spoke in support.

In response to a question from the Local Ward Member, Councillor LO Barnett, the Legal Practice Manager outlined the Inspector's conclusions in respect of a previous appeal for the site, where the application had been for eight holiday chalets. Councillor Barnett felt that, contrary to the applicant's observations, it was unclear whether the site could be described as "Brownfield". She acknowledged that the Appeal Inspector had felt that there were no issues regarding highway safety in the vicinity of the site, and stated that she could not support this view on the grounds that the Parish Council had felt that the road was dangerous and had made several requests for a speed restriction to be imposed. She was of the opinion that the site

access should only be used for emergencies. In addition, she stated that there was no proven need for more holiday homes in the area, and for all of these reasons, she suggested that the application should be refused. In response to a further question from Councillor Barnett, the Principal Planning Officer confirmed that enforcement action had been held in abeyance in respect of mobile homes on the site, pending the outcome of this application. She added that the application could be used as a positive means to regularise the development on the site.

The Development Control Manager reported that there was clear evidence to support the fact that the site had previously been Greenfield. He advised that, in the absence of observations from the Tourism Officer, the impact on tourism would have to be viewed as a neutral consideration.

Councillor RJ Phillips questioned whether the appeal inspector had taken account of the Council's statistics on vehicle movements on the road, particularly in relation to the count of approximately 837 HGV movements daily. He felt that even if the access was restricted to emergencies only, it would still be a significant hazard.

Having considered all the information surrounding the application, members agreed that planning permission be refused because they felt that the application would be detrimental to the surrounding area of open countryside and river meadow. Furthermore, although noting the Appeal Inspector's observations on highway safety, members felt that this should also be taken into account as a reason for refusal, based on the Council's own statistics and on local reports of the area.

RESOLVED:

- That**
- (i) The Northern Area Planning Sub-Committee is minded to refuse the application, subject to the reasons given below, and any reasons for refusal considered necessary by officers, provided that the Head of Planning Services does not refer the application to the Planning Committee:**
 - The application is detrimental to the character and appearance of the area, and to highway safety;**
 - (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such conditions and agreements referred to above.**

[Note: Following the vote on the application, the Development Control Manager said that he would not refer the decision to the Head of Planning Services.]

186. DCNC2008/0155/F - THE FISHERIES, ELM GREEN, BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER HEREFORDSHIRE, HR6 0NT.

The Principal Planning Officer reported the following updates:

A further letter has been received from the agent for the application pointing out the following:

- 1 there is a significant capital investment involved in the development and it is common sense that the applicant would not seek to provide these facilities unless there is a genuine commercial need for them now and for the foreseeable future.

- 2 the failure of the applicant to secure planning permission for the polytunnels does not mean that the need for facilities for the workforce ceases. Indeed, other production methods (such as the use of micro cloches) may increase the need.
- 3 the officer's appraisal fails to recognise that other growing methods are already being used at Wickton and Wellington.
- 4 the officer's appraisal misses the fundamental point that picking is staggered throughout the year and the maximum total of workers required is not achieved simply by multiplying the figures of hectares in use by the number workers per hectare.
- 5 It should therefore be clear that there is a bona fide need for the development and the absence of planning permission for the polytunnels does not diminish that need.
- 6 The applicant considers that the development complies with policy H8 (i.e. residential development in the open countryside for which there is an agricultural need). In any event a time limited permission (e.g. five years or less) could be granted enabling monitoring of the effects and the need.
- 7 In any event it is open to the discretion of the Committee to defer the item for more evidence of need to be provided if the Committee is not satisfied that adequate evidence of need has been provided.

These comments are reinforced by a letter received from the Facilities and Welfare Director of the applicant's company pointing out the need for the workforce and the commitment of the company to provide the best quality facilities. It is his firm view, on behalf of the applicants, that the Arrow Fisheries site remains the best option for this essential accommodation and that further safeguards in respect of the wildlife interests on the site can be secured.

The Principal Planning Officer had provided the following response:

The calculation of the need given in the report is based solely (and accurately) on the information which was submitted at the time. The number of workers per hectare, as submitted by the applicant, gave no allowances for season working or other constraints which would reduce the total number. The applicant's offer to resubmit new and different figures may be helpful and would help to clarify the economic case for development based on current activity at Brierley, Ivington and Wickton. However, the report as published acknowledges that there is a strong argument in favour of development based, *inter-alia*, on the premise that there is a need for a seasonal workforce to sustain soft fruit production on the various sites currently used by the applicant. That, however, is only part of the argument. The adverse impacts on landscape and biodiversity interests must also be taken into account in determining the application, and such consideration must itself be based of what is currently proposed.

On the basis of the application as submitted, officers have concluded that the damage to landscape and biodiversity interests is so great that the need for the accommodation is not sufficient to justify approval. Members may wish to consider this point very carefully - has an acceptable balance of interests been met? A less intensive scheme which included more open space within the fisheries site and was less disruptive to wildlife interests on the site may alter the balance of the argument but is not before the Committee to determine as part of this application. Such a scheme would, of course, also imply some scaling down of the applicant's operations

at and around Brierley, but that is likewise not before the Committee to consider at this meeting.

The new arguments put forward by the applicant do not change the conclusion of the report.

Five additional letters of objection had been received making the following additional points to those previously reported:

1. Do not allow the applicant to ride rough shod over the planning system.
2. Highway safety particularly pedestrians.
3. Impact on services.
4. The site flooded last year.

The Public Rights of Way Manager advises that following a site meeting the previous objection can be withdrawn upon receipt of a plan confirming PROW are outside of the fence boundary.

Conservation Manager- Ecology:

As at 30th April the ecological survey report had not been received. During a recent site visit it was noted that there were numerous sand martins and swallows (both amber conservation status birds species) feeding over the pools. This is obviously an important site for them. A swan's nest was also noted.

There was evidence of otters, a European protected Species. Significant loss of habitat cannot be supported.

The proposals will result in loss or damage to Biodiversity Action Plan habitats.

Concern as to how the pools will be drained and no water or species should enter the adjacent watercourse as it is a tributary of the River Lugg Special Area of Conservation.

Consequently the proposal is contrary to policies NC1, NC5, NC6, NC7 of the UDP.

An Ecological report was received yesterday which confirms the presence of the species, and many others, referred to above. However no mitigation strategy has been received with it.

As a consequence of the comments on the ecological issues reason 3 of the report is replaced by the following.

3. The proposal is considered to have a detrimental impact upon acknowledged important matters relating to the biodiversity of the site contrary to policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan.

In accordance with the criteria for public speaking, Mrs Ferron spoke in objection to the application, and Mr J Naerebout, the applicant's agent, spoke in support.

The Northern Team Leader reported that the following representations had been made since the publication of the Schedule of Committee Updates/Additional; Representations:

- A letter of objection from the Cheesley Farmers' Campaign.
- Withdrawal of objection from a previous objector, based on the Environment

Agency's recent comments in respect of flooding on the site.

The Northern Team Leader drew the Sub-Committee's attention to Paragraph 6.33 of the report, which related to a recent appeal decision at Pennoxstone Court, where the Inspector had concluded that there were clear economic benefits to be derived from the production of soft fruit with the aid of polytunnels. He said that the same principle could be applied to this application site. He added that although this application was for accommodation and not polytunnels, the two were linked, and therefore the economic arguments in favour of the application should be considered.

The Local Ward Member, Councillor RC Hunt, felt that the application, which constituted a major development, would have a significant impact on the surrounding area, especially in terms of its effect on the ecology. Other members concurred with him, noting the many species of important wildlife present on the site, and expressing concern that the current infrastructure would not be able to support the ensuing increase in population at certain times of the year.

Some members commented that there was a clear business case for the application, and stressed the importance of the Council liaising with the applicant to ensure that in the future, a more balanced and acceptable application, possibly spread over several smaller sites, could be submitted. They emphasised the need to consider all aspects of the business comprehensively, including polytunnels and accommodation. The Development Control Manager reported that, in the light of recent Government policy decisions, officers were working with all fruit growers in Herefordshire to help produce acceptable applications for polytunnels. In the case of this particular application, the factors relating to scale, landscaping and biodiversity were deemed to be too significant for officers to recommend approval.

RESOLVED: That planning permission be refused for the following reasons:

- 1 The need for this development is dependent upon the use of the land at Brierley Court Farm for soft fruit production under polytunnels. At the time at which this application has been determined, no planning permission exists for the siting of polytunnels on the land, and those which are currently on the site are subject to enforcement proceedings. In the absence of any lawfully sited polytunnels, the long term use of the land for the production of soft fruit is not assured and therefore the siting of 576 caravans, accommodation pods, service pods and an amenity building cannot be justified. Accordingly the proposal is contrary to Policy H8 of the Herefordshire Unitary Development Plan.**
- 2 The site lies within an area defined by the Council's Landscape Character Assessment as Riverside Meadow. In the absence of an overriding need for the accommodation, the proposal has an unacceptably adverse visual impact which will detract from the character of this landscape particularly by virtue of the introduction of 576 caravans, accommodation pods and service pods and a large amenity building into a landscape characterised by its open nature and absence of built structures. The proposal is thereby contrary to Policy LA2 of the Herefordshire Unitary Development Plan.**
- 3 The proposal is considered to have a detrimental impact upon acknowledged important matters relating to the biodiversity of the site contrary to policies NC1,NC5,NC6 and NC7 of the Herefordshire Unitary Development Plan.**

187. DCNC2008/0603/F - LAND TO THE REAR OF QUAKERFIELD, 34 RADNOR VIEW, LEOMINSTER, HEREFORDSHIRE, HR6 8TF.

The Senior Planning Officer reported that the scale and extent of the fencing in place had constituted a change of use, and Conditions 1 and 2 in the report would need to be amended after the meeting, if planning permission were granted, to ensure that they were enforceable.

Members felt that the application was necessary to avoid setting any precedents, and to maintain the rural aspect of the area. They suggested that the Council's policy on change of use should be made clear in the informatives to the planning permission.

RESOLVED: that planning permission be granted subject to the following conditions (and subject to additional amendments to Conditions 1 and 2 , which were to be decided by the officer after the meeting):

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 Unless otherwise first agreed in writing by the local planning authority, a new hedgerow shall be planted along the edge of the new boundary (i.e. northern and western sides and also outside of any new fencing/walling that may also be erected) of a species first agreed in writing by the local planning authority in the first planting season following the commencement of the residential use of the land. In the event of this new hedgerow being seriously damaged or destroyed then it shall be replaced by a new hedgerow of the same species in the next planting season unless otherwise first agreed in writing by the local planning authority.

Reason: In order to protect the visual amenities and character of the surrounding rural area.

3 Before the use hereby approved commences and unless otherwise first agreed in writing by the local planning authority the existing newly erected fencing on the north and west boundaries of the site shall be repositioned within the application site (i.e. on the inside of the new hedgerow required by condition 2) in accordance with details showing the new position to be first submitted to and be subject to the prior written approval of the local planning authority. Full details of any alternative fencing would also need to be submitted for the written approval of the local planning authority prior to its erection.

Reason: In the interests of protecting the visual amenities and character of the surrounding rural area.

Informatives:**1 N15 - Reason(s) for the Grant of PP/LBC/CAC****2 N03 - Adjoining property rights****3 The applicants should be aware that this planning permission does not**

override any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. If in doubt the applicants are advised to seek legal advice on the matter and contact the owners of adjacent properties where these rights may be affected prior to undertaking any development.

4 N14 - Party Wall Act 1996

5 N19 - Avoidance of doubt - Approved Plans

188. DATE OF NEXT MEETINGS

04 June 2008.

The meeting ended at 4.45 p.m.

CHAIRMAN

