

3. DCNW2003/2856/F - STEEL FRAMED BUILDING TO HOUSE CATTLE AT ZINTEC, DOWN WOOD, SHOBDON HEREFORDSHIRE HR6 9NH**For: Mr C Williams per Mr W Jones, Shufflebottom Ltd, Cross Hands Business Park, Llanelli, Carm..****Date Received:**
19th September 2003**Ward:**
Pembridge &
Lyonshall with
Titley**Grid Ref:**
38966, 62564**Expiry Date:**
14th November
2003

Local Member: Councillor R Phillips

This proposal was reported to the 28 January meeting where it was deferred to allow the Environment Agency further time to investigate alleged unauthorised tipping. Due to unforeseen circumstances they have been unable to conclude that investigation prior to preparation of this update.

Further discussion has taken place with the Environment Agency, as a result of which the recommendation has been amended to one seeking delegated powers to approve the application, if still appropriate, following conclusion of their investigation.

1. Site Description and Proposal

- 1.1 The application site lies to the west of the existing industrial building at Zintec, off the B4362 road just to west of Shobdon. It lies adjacent to the registered historic parkland of Shobdon Court, which is also a special wildlife site and within an Area of Great Landscape Value.
- 1.2 In addition to the industrial building of Zintec there are a cluster of dwellings and other buildings in the vicinity and the site is overlooked by the properties at Downwood Farm.
- 1.3 The proposal is for the erection of a cattle building measuring 18 metres by 8.9 metres with a ridge height of approximately 5.9 metres. The building is to be sited in an area which was formally wooded but has recently been cleared and subject of land filling.

2. PoliciesLeominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

Policy CTC2 – Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA4 – Protection of Historic Parks and Gardens

Policy E13 – Agriculture and Forestry Development

Policy LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

No planning history on this site.

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency has no objection to original consultation. No representations received so far in response to land filling.
- 4.2 Garden History Society, Historic Gardens Trust and Herefordshire Nature Trust – no response.
- 4.3 The Forestry Commission. In response to complaints with regard to unauthorised felling of the woodland on the site the Forestry Commission advise that they will not be able to carry out any successful prosecution due to several factors including determining accurate tree volume and two sites being filled where the owner could have claimed an exemption under the Forestry Act at this site. We would hope that if the Council grant planning permission a suitable tree landscaping plan would be incorporated to provide restoration of the land.

Internal Council Advice

- 4.4 The Chief Conservation Officer advises that there is no adverse impact upon historic park adjacent to the site, however a new building will be prominent in the landscape from the minor road and public rights of way and woodland planting is required.
- 4.5 The Head of Engineering and Transportation has no objection.
- 4.6 The Head of Environmental Health and Trading Standards has no objection.

5. Representations

- 5.1 In support of the application and in response to complaints about unauthorised tipping and felling the applicant's agent advises that the area in question was an area of bog land with a large dip in the centre. It is this dip that had to be filled in order to level the site, the area has been filled with soil and earth and at no point has any waste material or other polluting matter been used to fill the site. As the levelling of the site was done with earth and soil it was assumed that no permission or approval would be required.

As regard the clearance of trees, for some years before the applicant had an interest in the site. A Christmas tree plantation had been on the site. By the time the applicant became involved in the land the trees were nearly all gone and those remaining were dying and diseased which is why he removed them. The rest of the site was covered scrub, which has also been cleared.

Up to 8 head of cattle may be housed at the site mainly over winter months. The applicant is in the process of providing 3 acres of grazing land, which is being seeded in January. Obviously 3 acres does not provide sufficient grazing land for 8 head of cattle for any sustained period of time but the applicant has access to a further 20 acres of grazing land on another site, which is to be used in rotation with the land being developed. The applicant also advises that it will carry out substantial replanting of trees amongst those already existing on the site.

- 5.2 Shobdon Parish Council support the proposed development with the proviso that suitable screening be planted.
- 5.3 Three letters of objection and a number of photographs of the site prior to filling and felling have been received from:

Mrs F M Symonds, Downwood Cottage
Karen & Ashley Robinson, Downwood Farm
L A & S H Rowe, The Homestead, Downwood Farm

The points made are summarised as follows:

- a) The site does not amount to 8.1 hectares as set out on the application form but approximately 0.9.
 - b) The land is not improved pasture but bare ground resulting from land filling.
 - c) Until recently the site was mixed woodland, interspersed, with pools providing wildlife habitat and effective natural screening both visually and acoustically. Felling of the woodland, which began around early 2002, was done without regard to wildlife and destroyed flora and habitat. It included the felling of a very large ancient Yew.
 - d) Land filling included vary of substantial amounts of rubbish, destroying pool and wetland habitat and displacing standing water to the north and west onto neighbourhood property.
 - e) The building is far greater than required for any cattle that could be accommodated on the site even if it is turned into improved pasture.
 - f) Large numbers of cattle would create an unacceptable noise and smell to neighbouring properties.
 - g) The soak away system for dealing with the drainage from cattle is rather optimistic.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Consideration of the application has been delayed whilst allegations of unauthorised tipping and felling had taken place. The response of the Forestry Commission is set out in the Consultation Summary above.
- 6.2 In the absence of adverse comment from the Environment Agency or the Council's Mineral and Waste Officer as regards the alleged unauthorised land filling there are no grounds to delay consideration of the application further.

- 6.3 Topography of the surrounding area of the site is such that it is unlikely the building will be visible from the B class road, but will be visible from the access drive serving this small cluster of development together with various rights of way which cross the area. Given the comments of the Chief Conservation Officer it is considered that in visual amenity terms and lack of impact on historic setting terms, that subject to substantial screening the proposal will be acceptable.
- 6.4 Given the modest size of the building and comments received from the Environmental Health and Trading Standards Officer it is not considered that the use of the building for livestock purposes and unreasonable impact upon amenity of nearby occupiers.
- 6.5 Further clarification of the drainage ditch and pond which appeared on the site recently has been sought but it is anticipated that these matters can be dealt with by condition in consultation with the Council's Minerals and Waste Officer. It is therefore considered that subject to appropriate conditions the proposal is acceptable.

RECOMMENDATION

Subject to there being no objection from the Environment Agency, nor any circumstance arising from their comments to prevent erection of the building, the officers named in the scheme of delegation to officers be authorised to approve the application subject to the following conditions and any conditions considered necessary by officers:

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 - G04 (Landscaping scheme (general))(insert further between no and development)

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

4 - G05 (Implementation of landscaping scheme (general))

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

5 - Before any further development takes place details of the drainage ditch and water displacement area shall be submitted to and approved in writing by the local planning authority.

Reason: In order to control drainage on the site.

Informative:

1 - N15 - Reason(s) for the Grant of PP

Leominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

Policy CTC2 – Areas of Great Landscape Value

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.