

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>20<sup>th</sup> OCTOBER 2021</b>
<b>TITLE OF REPORT:</b>	<b>204133 - PROPOSED VARIATION OF CONDITION 2 OF PLANNING PERMISSION 163327 (ERECTION OF A BARN EGG UNIT FOR FERTILE EGG PRODUCTION) TO REGULARISE AS BUILT DEVELOPMENT. AT WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD, HR3 5TB</b>  <b>For: Mr Morgan per Mr Ian Pick, Station Farm Offices, Wansford Road, Nafferton, Drifffield, East Yorkshire YO25 8NJ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204133&amp;search-term=204133">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204133&amp;search-term=204133</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 24 November 2020      Ward: Golden Valley      Grid Ref: 326020,242345**  
**North**

**Expiry Date: 6 May 2021**  
 Local Members: Cllr Jennie Hewitt

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

- 1.1 The application site lies to the south-west of the C1208 at the small hamlet of 'Archenfield' within the Parish of Clifford. The landscape is undulating and there are a series of woodland blocks in the landscape including along watercourses. In terms of Landscape Character the site lies within 'Principal Timbered Farmlands' described as *"rolling lowland landscapes with occasional steep sided hills and low escarpments. They have a small scale wooded agricultural appearance."*
- 1.2 The application site itself is located to the north-west of the existing range of agricultural buildings at 'White House Farm' within a separate field and relates to a development consisting of the barn egg units for fertile egg production that was approved under application 163327, has been constructed and is operational.
- 1.3 The proposal was described in the 2016 committee report as follows *'The building would have a length of 105.4 metres and span depth of 18.9 metres. The building would be sited to the north-west of the existing range at 'White House Farm' within a separate field. The building would be sited parallel to the existing range of buildings but would extend some 87 metres deeper to the south-west. At the north-eastern end of the building there would be a turning / manoeuvring area (Approx. 41 m x 23 m) for motor vehicles and at the south-western end of the building a concrete apron (Approx. 18.9 m x 8 m). Two feed bins would be sited adjacent to the south-eastern flank elevation parallel to the north-western elevation of the existing agricultural buildings. These feed bins would have a height of some 7.4 metres.*
- 1.4 This application seeks the variation of condition 2 of this planning permission. Condition 2 states:

*The development hereby permitted shall be carried out in strict accordance with the following approved plans:*

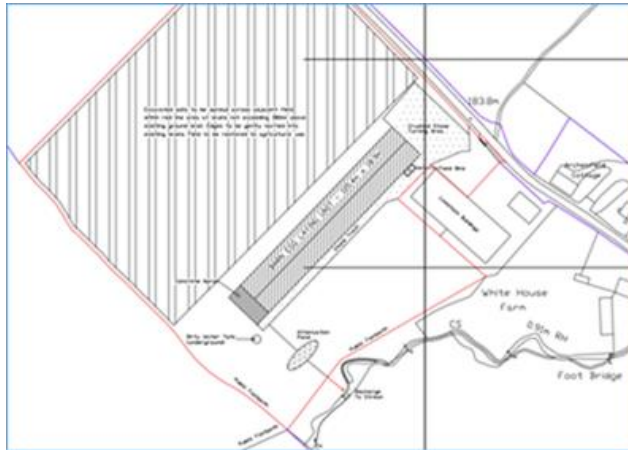
- *Amended Site Plan (Scale 1:500) received 20.03.2017;*
- *Amended Location Plan – Drawing number HM/01A (Scale 1:2500) received 20.03.2017;*
- *Elevations & Plan (Scale 1:200);*
- *Amended Sections (Scales 1:500 & 1:200) received 20.03.2017;*
- *Amended Landscaping Proposals – Drawing number 1486.01 Rev. B (Scale 1:500 @ A1) received 15.06.2017;*
- *16.5 m Articulated Lorry Tracking – Drawing number 18072-02 (Scale 1:250 @ A3) and*
- *Site Access & Visibility Splays – Drawing number 18072-01 (Scale 1:500 @ A3);*

*except where otherwise stipulated by conditions attached to this permission.*

*Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.*

- 1.5 The application form (section 5) details the reason for the requested variation as follows: *“there is minor changes between the approved plan and as built development in that the building has 13 roof fans instead of 7 as shown on the approved plan and the attenuation pond is large than shown on the approved plans. The application seeks to amend the location plan, site plan and elevation drawings to reflect the changes”.*
- 1.6 In making the assessment of the application, officers considered a number of other alterations to the building and fenestration in addition to those identified in the application form. These are detailed below.
- 1.7 The submission has also been updated during the course of the application to reflect the queries in respect of landscape scheme the attenuation pond and a further period of consultation was undertaken.
- 1.8 For clarity the application has been accompanied by the following:
- Application Form
  - Location Plan - HM/01B
  - Site Plan - HM/02B
  - Elevations and Floor Plan - HM/03A
  - Amended Landscape Proposals - 1486.01C
  - Foul and Surface Water Drainage Strategy - Hydro-Logic Services Report K0723a/Rev4 – March 2021
  - SCAIL Report - Received 19<sup>th</sup> December 2020
  - Plant Noise Assessment - Matrix Acoustic Design Consultants Acoustics Report M1602/R01a – 14<sup>th</sup> December 2020
- 1.9 For ease of reference, extract of the plans as approved and as proposed are inserted below:

**Extract of approved site plan (HM/02/A)**



**Extract of proposed site plan (HM/02/B)**



**Extract Approved Landscape Plan  
(1486/01 Rev B)**

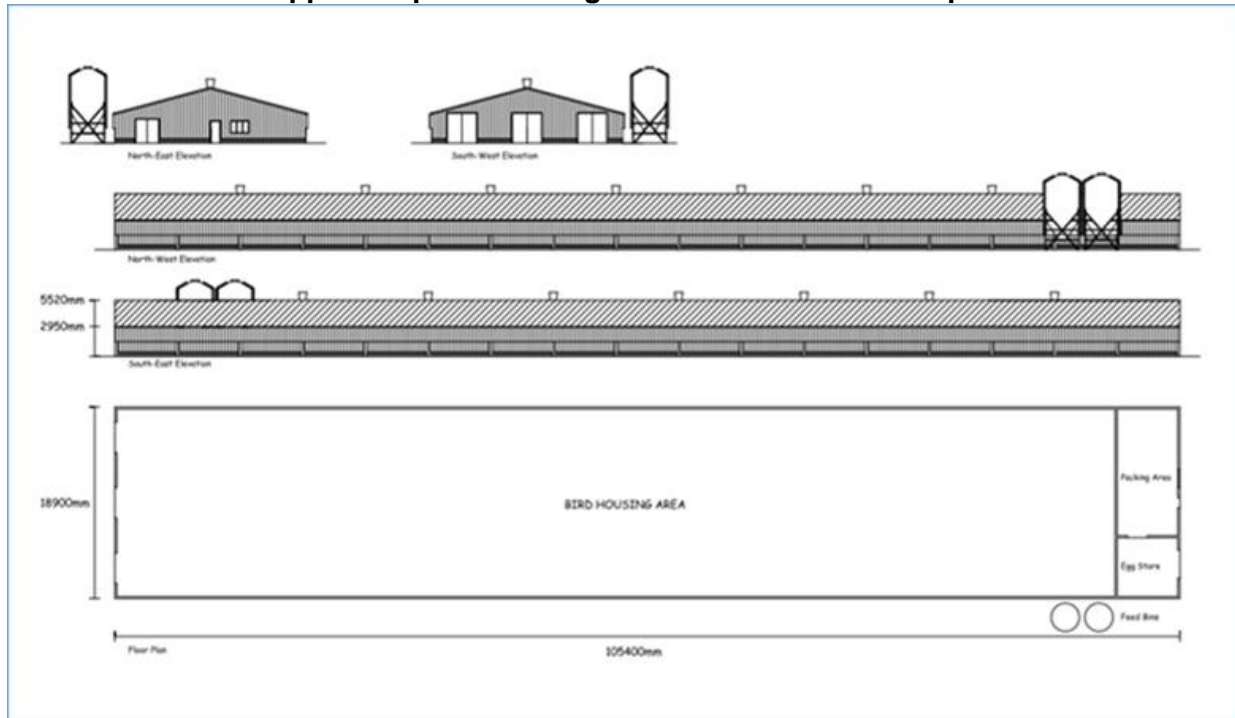


**Extract of Proposed Landscape Plan  
(1486/01 Rev C)**

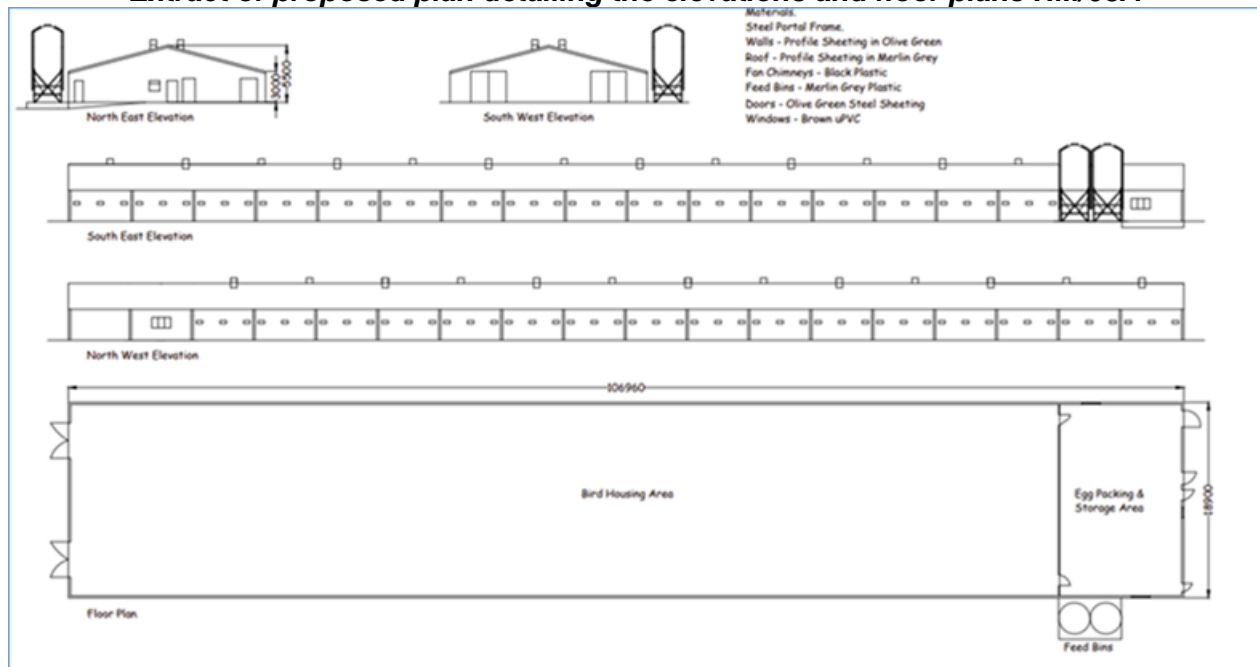


- 1.10 The landscaping plans have been updated to reflect the change to the shape and size of the attenuation pond and to the fencing (PROW). The landscaping works were undertaken during the course of the application and were complete at the time of the officer site visit on the 9<sup>th</sup> April 2021.
- 1.11 The proposed changes to the external appearance of the building are detailed on the elevations, including the change to the number and position of vents (from 7no. to 13no.) and slight increase to building length and reduction in ridge height.
- Building dimensions as approved: 18900mm x 105400mm with eaves of 2950mm and ridge of 5520mm
  - Building dimensions as proposed: 18900mm x 106960mm with eaves of 3000mm and ridge 5000mm
- 1.12 Internally the layout has also been adjusted. Materials are controlled via condition 6 of the Planning Permission (no application to vary this has been sought). Opening details have also altered as can be seen on the plans inserted below. Feed Bin heights remain the same as do their position.

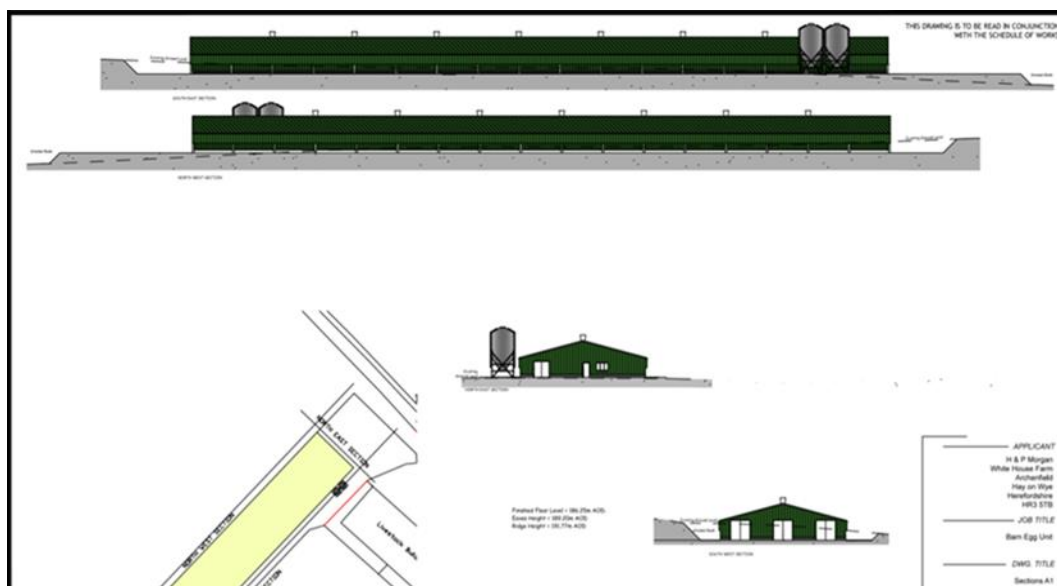
### Extract of approved plan detailing the elevations and floor plans HM/03



### Extract of proposed plan detailing the elevations and floor plans HM/03A



- 1.13 The building is set into the ground as was detailed on the sections accompanying the application in 2016 (photos included to assist)



## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA6	-	Rural economy
MT1	-	Traffic Management, highway safety and promoting active travel
E1	-	Employment provision
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure delivery

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

## 2.2 Neighbourhood Development Plan

### **Clifford Neighbourhood Development Plan (Reg 14)**

<https://www.herefordshire.gov.uk/directory-record/3045/clifford-neighbourhood-development-plan>

- a) The Clifford Neighbourhood plan has reached draft plan stage under Regulation 14. The consultation was undertaken between the 26th October 2020 to 8<sup>th</sup> December 2020
- b) At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore as the decision makers are unable to evaluate the extent of any unsolved objections
- c) The Strategic Planning team as part of the Regulation 14 consultation have confirmed that the plan as currently drafted *is* in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan

## 2.3 National Planning Policy Framework 2021 (NPPF) – Relevant Chapters:

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communities
11. Making Effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## 2.4 National Planning Practice Guidance (NPPG)

Of particular relevance:

Guidance on options for amending planning permission can be found at:

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

Guidance on the use of Habitat Regulation Assessment:

<https://www.gov.uk/guidance/appropriate-assessment>

## 3. Planning History

- 3.1 **163327** - Erection of a barn egg unit for fertile egg production – Approved 13<sup>th</sup> September 2017  
A unilateral Undertaking is associated with the decision and is published to the website  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163327&search-term=163327](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163327&search-term=163327)

It is noted that that this application was approved by Planning Committee on the 13<sup>th</sup> September 2017. This decision was taken contrary to officer recommendation.



The officer recommended : *That planning permission be refused for the following reason:-*

*1. The proposed development by virtue of a combination of:-*

- a) The degree to which the building, stone track and hardsurface protrude further south-west than the existing farm buildings (i.e. 95 metres – the building itself protruding by 87 metres);*
- b) The associated engineering works; and*
- c) The austere industrial appearance arising from the enclosed and utilitarian design, and facing materials;*

*would, in combination, harm the prevailing character of the landscape hereabouts and cause visual harm contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031. The economic and social benefits are recognised, however, it is considered that these would be significantly and demonstrably outweighed by the environmental harm. As a consequence it is considered that the proposal would not represent sustainable development thus failing to comply with the overarching aims of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework*

Members resolved: *That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to any conditions considered necessary by officers on the basis that the impact of the development on the landscape character and appearance was not considered adverse; and the mitigation proposed, including the landscaping scheme and colour of materials would adequately limit any adverse impacts.*

For ease of reference and to assist in understanding the background, please see links to the following documents:

*Committee report:* <https://myaccount.herefordshire.gov.uk/documents?id=0aa44430-93b2-11e7-8d01-0050569f00ad>

*Minutes:* <https://councillors.herefordshire.gov.uk/mqAi.aspx?ID=47992>

The Decision was judicially reviewed and the claim dismissed by the High Court. These documents are available to view on the website.

**3.2 183803 - Application for approval of details reserved by conditions 9 and 10 attached to planning permission 163327**

Condition 9 (Drainage) was discharged on 30/5/2019 and Condition 10 (CEMP) in December 2018. All other conditions are Compliance Conditions.

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=183803&search-term=183803](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183803&search-term=183803)

**4. Consultation Summary**

Statutory Consultations

**4.1 Welsh Water:** We have no comment to make on the above application

**4.2 Natural England Comments:** No response to consultations (sent July 2021 and October 2021)

Internal Council Consultations

### 4.3 Principal Natural Environment Officer (Landscape) comments:

#### 4.3.1 April 2021

I refer to amended drawing Landscape Proposals 1486.01, Rev C, dated 15/03/2021.

The revised drawing addresses my previous comments made in relation to the attenuation area. The public path has been fenced off, and resolves concerns about public safety. This offset moves the pond further away from existing trees and hedgerow, reducing potential harm to this vegetation (a concern from my previous comments).

#### 4.3.2 December 2020

The proposed variation is in relation to the change between the approved plans and the as built development with regards to the increased number of fans from 7 to 13, and the change of shape and increased size of the attenuation pond.

Unfortunately a site visit is not currently possible due to poultry restrictions, however I have utilised desktop material to validate my comments that provide a basis for clarification and further action.

In addition, I understand that planting as part of the conditions has not yet taken place. The planting is a critical mitigation and biodiversity factor for this development. Please ensure this is undertaken within the set requirements.

#### **Fans – No objection**

In terms of landscape visual impact the increased number of fans from 7 to 13, densifying the undulations of the roof along two ridges lines instead of one (Refer to figure 1). The variation is unfortunate, however the overall visual impact is minimal in terms of the broad landscape visual amenity.

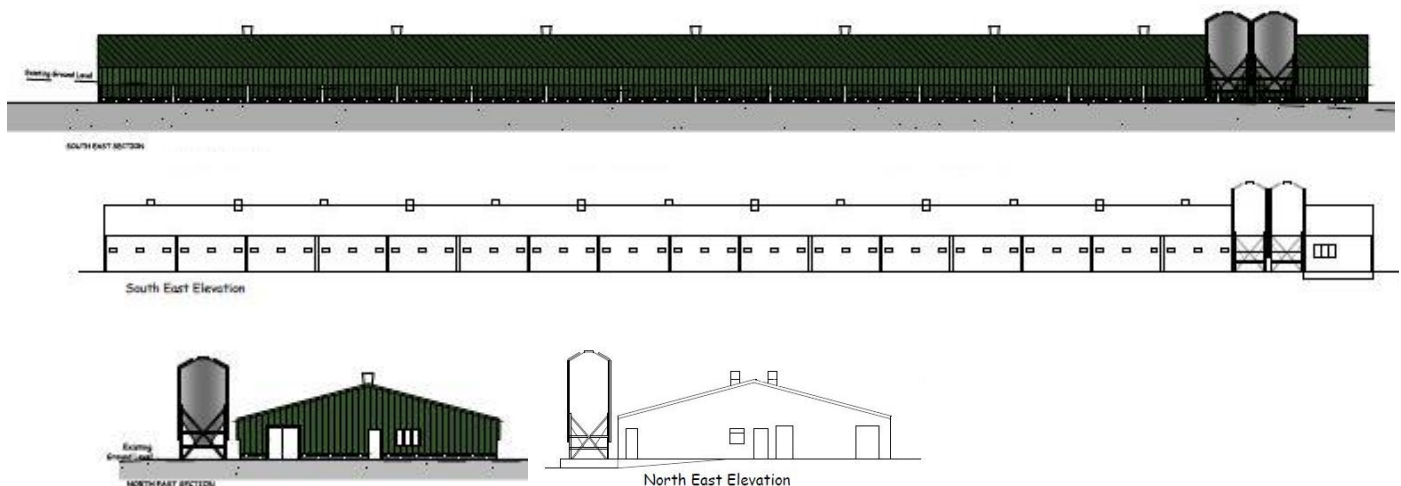


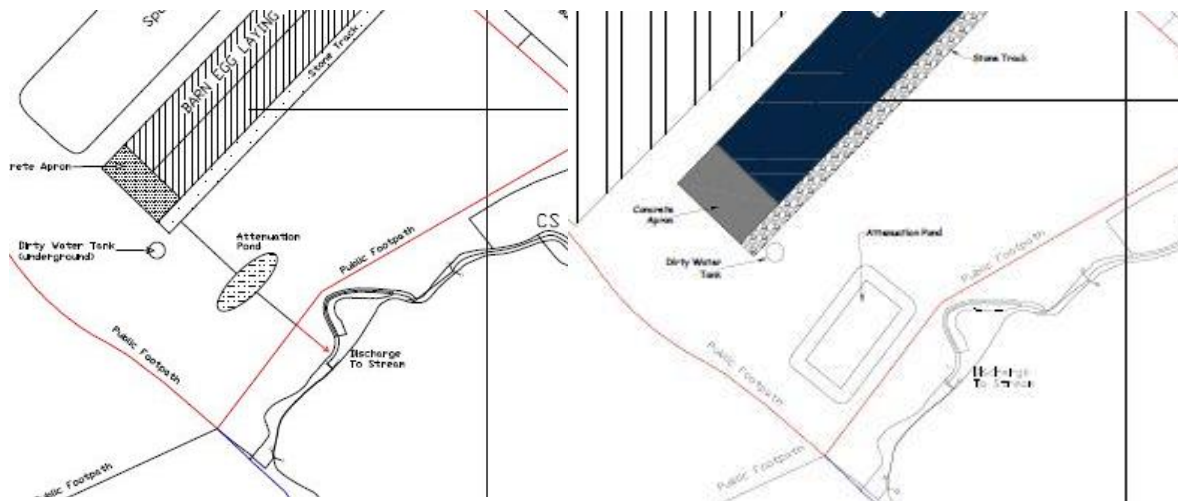
Figure 1: Comparing fans on the roof between the approved elevation (application 163327), with the as-built condition (application 204133). The green or bold hatched drawings being the approved scheme, and the line drawings being the as-built condition.

#### **Attenuation pond – Further information required**

The pond has changed from an oval (organic shape) to a rectangle (rigid shape), and has increased in size approximately three fold (Refer to figure 2). It has been built within close proximity to a public footpath and large trees (Refer to figure 3). The impacts posed by this increased size are possible safety issues for users of the public footpath, and damage to roots, including water logging impacting the health of the trees. Resultant concerns that need to be



considered, with a suitable cause of action provided. An arboricultural assessment is warranted to verify if damage has occurred, with mitigation proposals and necessary forms of compensation of additional planting to substantiate potential loss. Note, the reduction of the terrestrial ground area, should not imply a reduction of planting numbers for the native woodland mix (W1) to the attenuation pond area.



Figures 2: Comparing Attenuation Pond form and size, between the approved scheme on the right (application 163327) with the as-built condition on the left (application 204133).

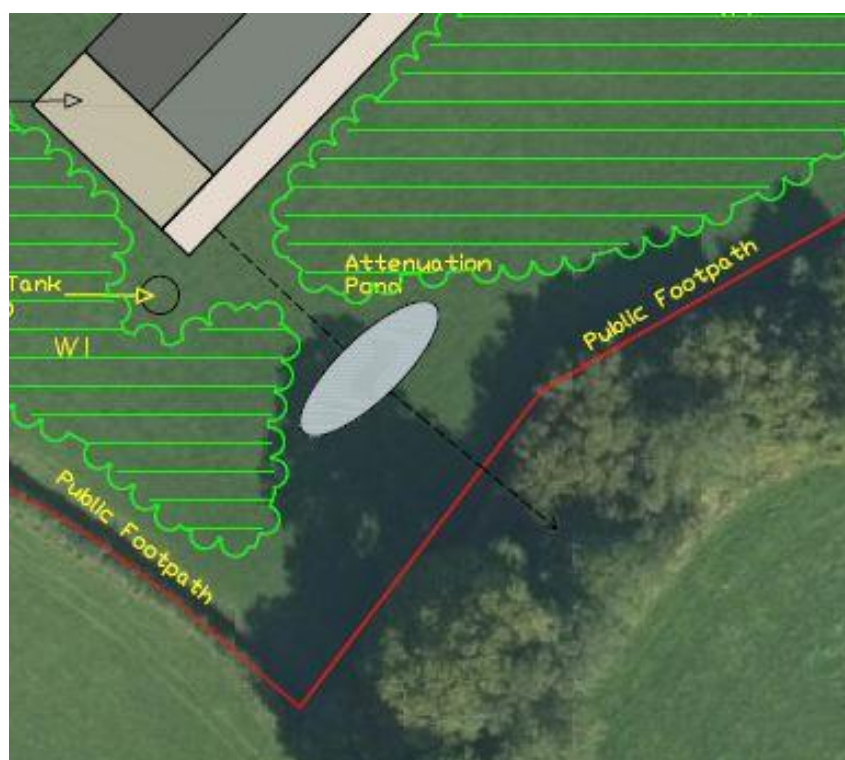


Figure 3: Extract from the approved landscape scheme (ref: 1486.01, application 163327), with clear indication of the public footpath and existing trees, with the attenuation pond set back from these features.

#### 4.4 Principal Natural Environment Officer (Ecology) comments:

##### 4.4.1 May 2021 (Updated / Amended Plans)

The updated surface water and flood risk strategy supplied by the applicant and subsequent comments from the Council's land drainage team confirm that the revised scheme does not change any final flows or outfalls from the site.

With no changes from the originally proposed and approved nature or volume of outfall from surface water flows from the development site there is no change in the original assessment of NO potential adverse effects on the integrity of River Wye SAC or any locally designated wildlife site from the development.

With no changes or effects identified there are no further ecology comments and no objection to the application is raised.

#### 4.4.2 December 2020

It is noted from the nationally accepted 'standard' SCAIL report supplied (19/12/2020), that the change in number of fans actually installed will have NO effects (no change) on any previously reported air emissions from the development.

With no change in air emissions or approved stock numbers there are NO identified 'likely significant effects' from this application for a variation of plans application on the River Wye SAC, any relevant SSSI designated nature conservation site, Local Wildlife Site, Ancient Woodland or any priority habitat.

This application can be considered as screened out from requiring any further Habitat Regulations Assessment.

There are no further ecology comments and no objection is raised to this application.

#### 4.4.3 HRA SCREENING REPORT

**Assessment of 'Likely Significant Effects' on:**

- ☒ **River Wye Catchment SAC**
- ☐ **Forest of Dean & Wye Valley Bat SAC** (Wigpool Iron Mines SSSI)
- ☐ **River Clun SAC**
- ☐ **Downton Gorge SAC** (SSSI-NNR)
- ☐ **Other site** (SSSI-NNR):

**Likely significant effects identified for consideration on initial Screening Assessment of this specific application:**

- ☐ **Foul water**
- ☒ **Surface water**
- ☒ **Emissions**
- ☐ **Construction or Demolition processes**
- ☐ **Other:**

**Screening Assessment information and discussion:**

It is noted that this application is made under s.73 of the planning regulations to regularise changes incorporated in the final built development from original plans approved in 2018 under application ref 163327.

The changes in plans are two distinct matters:

1. An increase in size of the surface water Sustainable Drainage Scheme attenuation pond

2. A change in the fan air extraction system - to accommodate a change in industry best practice guidance and advice between consent and actual build.

It is noted that the poultry unit has been completed and is currently fully operational.

There is NO change in total bird numbers within the unit from those approved facilitated by these variations in design.

#### **Variation 1 – Surface Water attenuation.**

The increased size of the surface water attenuation pond has no potential to have any effect on the integrity of the River Wye SAC and is solely a local water management and sustainable drainage consideration. The increased size may well have a positive effect on local biodiversity potential by increasing the area of this valuable wildlife habitat – in particular as the pond ‘matures’ and naturalises over time. This increase in size should be considered a biodiversity net gain and in the longer term provide additional foraging for species associated with the Wye SAC designation such as Otters.

#### **Variation 2 – Poultry Unit Ventilation (roof fans).**

The potential effect on the River Wye SAC is through Ammonia/nitrogen deposition.

The Wye SAC is recognised as a ‘Phosphate limited’ aquatic habitat.

The identified higher sensitive habitats are the Quaking Bogs and Transition Mires located at the top end of the catchment around the source of the River and none of these fall within the potential impact area of this development and are not considered further.

The latest APIS ‘background’ data for the relevant sections of the River Wye SAC does not indicate that the deposition of ammonia or nitrogen related factors is above the critical load of ‘3’ identified in respect of species included within the SAC citation (reason for designation). The SAC is not considered or recognised as failing its identified ‘nitrogen’ deposition conservation levels

There is no increase in actual bird numbers within the unit.

The variation is a change from the approved 7x 1m diameter fans with 11m/s flow rate to and increased number of 13 fans of similar size and flowrate.

With no change in bird numbers there is no nett change in total ammonia/nitrogen air emissions created by the development and consequently no increase in total emissions available for deposition on the River Wye SAC.

This no nett change and no change in potential deposition is evidenced in the industry standard SCAIL air emissions assessment for the ‘as approved’ and ‘as built’ poultry unit.

With no nett change from previously approved there are no identified ‘effects’ from this proposed variation on the River Wye SAC.

Even if taken as a ‘whole’ new development the SCAIL report clearly demonstrates that any small ‘nitrogen’ air emission deposition on the River Wye SAC is significantly below the more precautionary and cautious assessment critical levels as relevant to the more nitrogen sensitive Quaking Bogs and Transition Mires (not located within the NE-NRW advised 10km SAC assessment buffer) - Ammonia ‘1’ (actual 0.058); Nitrogen ‘10’ (actual 0.30) and Acid Deposition ‘0.5’ (Actual 0.02) for the SAC. Even if considered as a whole new application this development would not be considered as having any ‘effect’ on the River Wye SAC due to its air emissions.

☒ **Supporting documents: SCAIL assessment** – *please access the SCAIL assessment through the supporting documents to this application online through the link at the head of this report.*

## Conclusion

This application is considered as 'screened out' from requiring any further HRA assessment process and no appropriate assessment is triggered.

☒ **NO adverse effects on the integrity of the Special Area of Conservation;** The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'): Part 6, section 63(5)

Screening Assessment completed by: JB

Checked: Ms Kelly Gibbons

There is no legal requirement under the Habitat Regulations to submit HRA 'screening assessments' to Natural England but there may be cases where the LPA as 'competent authority' feel that the opinion of Natural England may be relevant and helpful.

### 4.4.4 December 2020 – Further Information Required

The site does trigger requirements for assessment of air emission in respect of designated Sites of Special Scientific Interest within 5km of the development it would appear this would include Caeiron Meadow, Pikes Farm Meadows, River Wye (critical level of '3' is relevant due to potential presence of Jelly Lichens and also as a SAC and SSSI).

As the application involves considering previously unapproved changes in the ventilation system a revised air emissions assessment (Ammonia, Nitrogen and Acid Deposition) would be required to clearly show any changes in the calculated air emissions between the approved plans-project and the project as completed and now subject to approval through this retrospective application.

An industry and accepted standard comparison utilising the SCAIL tool (or similar 'standard' methodology) would be appropriate in the first instance. The final information should include all the information used to run the assessment and a clear and concise table showing the clear comparison as requested.

It may well be that the use of more, smaller extraction units or even newer design will actually lead to an overall decrease in air emissions from the originally approved scheme; or at least an air emission neutrality; but this needs to be scientifically demonstrated prior to determination of this application and any consent being granted to allow the LPA (and if any increases, the triggered formal consultation with Natural England). If there is any significant increase in air emission effects on any SSSI then further detailed modelling and 'in combination' assessment may be required by the LPA-Natural England.

Any increase or change in the size of any attenuation basins would not have any identified effects on the ecology of the locality and no further ecology comments are appropriate or relevant.

### 4.5 **Land Drainage comments:**

Having read through the updated Foul and Surface Water Drainage Strategy dated March 2021 we have no additional comments to add. The applicant states that the planned attenuation pond has been constructed slightly larger than originally proposed, however there appears to be no major change in the hydrology of the site or to the wider site drainage.

This slight increase in storage size is not a cause for concern, as long as the proposed discharge rates remain as agreed in previous planning applications/discharge of conditions for the site, which it appears they do.

#### 4.6 **Environmental Health Service Manager (Noise / Nuisance) comments:**

##### 4.6.1 Updated information

I am in receipt of a noise assessment dated 14th December 2020. This is a modelled assessment based on a change in the fans for which a request has been made for a variation of condition 2 in 163327.

The noise consultant has used the same background noise levels from his original BS4142 survey dated February 2016 and used the lowest 27dB LA90 for day and night time which is very low. Noise data from the manufacturer of 50dB(A) at 7m has been used together with working calculations regarding the percentage of fans on during the day, evening and night time. The modelling finds that during the day, evening and night time at each of the 3 closest residential properties the assessment levels is either zero or minus. The report concludes that the noise impact of the fans during the day and evening will be low to very low and extremely low at night time.

I have compared this noise assessment with that supplied dated 2nd March 2016. The 7 fans supplied were also 50dB(A) at 7m and the BS4142 assessments gives exceptionally low assessment levels.

Although the number of fans has increased from 7 to 13 the noise assessment still finds that the noise from the increased number of fans is low to very low. The report indicates that the fan noise would not give rise to adverse impacts and our department has therefore no objections on noise grounds for the variation of condition 2.

##### 4.6.2 3<sup>rd</sup> December 2020 – Further information is required

My comments are with regard to potential noise and nuisance issues that might arise from development.

Our department is in receipt of a retrospective application to vary condition 2 of the permitted development 163327. The proposal is for 13 fans which are now mounted so as to alternate either side of the poultry shed roof. What is not known is the difference the use of alternative ventilation specification would make to noise impacts on neighbours.

In the original 163327 a noise impact assessment to BS4142 was undertaken. This was on the basis of a specification of 7 ridge mounted fans and based on an anticipated selection of Big Dutchman type FF091-6DT axial fans. This assessment measured background noise levels in 2 locations either side of the site (see figure 1 of the Matrix noise report) and taken the lower background noise level of LA90 27dB as the worst case lowest background noise level for day and night time. The report takes the fan's manufacturer's data that the sound pressure level of each fan is 50dB(A) at 7m and makes predictions as to the maximum % operation of the fans during the day, evening and night time dependent on ventilation requirements. This report finds that the assessment level is lower than the rating level at all 3 sensitive receptors and therefore no objections were made on noise grounds.

In order to be able to vary condition 2 of the development, the application is requested to supply a further BS4142 assessment which examines the impact of the 13 fans on neighbouring residential premises. Our department will accept a further desk top exercise based on what is known regarding background noise and levels and also the data supplied by the manufacturers' of the alternative fans.

#### **4.7 Environmental Health Service Manager (Air Quality) comments:**

I refer to the above application for the variation of condition 2 of planning permission 163327 which includes the installation of additional ventilation fans to the poultry units and I would make the following comments in relation to air quality:

It is recognised that dust from poultry houses may contain small particulate matter (PM10's and PM2.5) and that in certain circumstances this can have an unacceptable effect on local air quality including for dwellings inhabited by persons directly involved with the poultry farming operation.

DEFRA has advised that poultry rearing operations should be included in the assessment for Local Air Quality Management (LAQM) and has recently published a screening assessment methodology for PM10's taking into considerations the number of birds, the distance receptors to the poultry units and the background PM10 concentrations.

This screening assessment methodology is based on:

- the number of birds housed at an installation
- the distance of the nearest receptor.
- the background PM10 values for the year of assessment

I note that the number of birds have not changed in the revised application. Therefore the outcome of the screening assessment submitted with the original application is unlikely to change significantly. The assessment concluded that there was no significant risk of exceeding the 24 hour mean PM10 objective as a consequence of PM10 emissions from the proposed poultry farm.

Background levels for PM10 have been modelled by DEFRA at 9.649 ug/m3 for 2021, which would make the screening assessment undertaken by Mike Smith in March 2017 more conservative. (PM10 background data for 2015 was 11.73 ug/m3) Therefore I have no adverse comments to make regarding the amendment to condition 2 of the above application.

#### **4.8 Environmental Health Service Manager (Contaminated Land) comments:**

I've no comments to make.

#### **4.9 Public Rights of Way Manager Comments:**

The proposed attenuation pond is in very close proximity to public footpath CL74. Assurance must be given that the right of way will not be affected in any way by the unit or the pond.

#### **4.10 Team Leader Area Engineer comments:**

The plan amendment relates to the design of the building and do not alter the vehicular areas of the site. As a result there are no highways objections to the proposed plan amendments.

### **5. Representations**

#### **5.1 Clifford Parish Council (27<sup>th</sup> April 2021)**

##### **5.1.1 Clifford Parish met to discuss the application on 27th April.**

It was agreed by all present that the previous comments made are still to be addressed and the Parish Council do not support this application.

- 1) the roof material is shiny and can be seen from certain points around the parish and needs to be Matt finish.



- 2) the phosphate levels in the stream next to it are of concern and it is recommended that the levels be checked thoroughly by professionals (HRA) on a regular basis which is more than once a month.
- 3) it is not clear why 13 vents were put in rather than the 7 on the original application.
- 4) ammonia levels are a concern

Referred to previous comments (see below) - It was felt that the areas of concern on this application need to be addressed as appropriate and previously mentioned.

#### 5.1.2 Clifford Parish Council met on 16th December to discuss the application. The parish council raised the following concerns:

- 1) The planning breach is seeking to approve the 13 installed vents instead of 7 as in the original plan - no clear explanation or rationale has been given why the 13 vents were installed rather than the original 7. This is almost an increase of 100%. The drawings supplied indicate that the water runs from the roof into Hardwicke Brook and recent phosphate levels in the brook near to the building have been recorded as high and this is concern: These recordings can be shared if requested and the parish council would like this further investigated by Herefordshire Council.
- 2) Air quality concerns have been raised by Cllr Hewitt and the Parish Council would also like it measured as Cllr Hewitt mentions.
- 3) As of yet the required trees have not been planted.
- 4) There are concerns over the roof as it is shiny and causes glare in sunlight. This is not something the parish council supports and it was felt that this should be matt.
- 5) It was felt not enough information has been supplied in regard to the variant of conditions.

#### 5.2 Letters of objection have been received from:

- Marches Planning (on behalf of local residents)
  - 11<sup>th</sup> Feb 2021
  - 19<sup>th</sup> Feb 2021
  - 15<sup>th</sup> July 2021
- Mr Bromley, Haie Barn, The Bage, Dorstone (8<sup>th</sup> Feb 2021)

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=204133&search-term=204133](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204133&search-term=204133)

#### 5.3 These letters raised the following matters:

- The deviations are quite significant and include the shiny roof
- Noted effluent downstream of the development
- Request actual ground studies rather than the desk top studies that supported the application – to check the day to day levels or air and water pollution and operational building meets standards
- Comment on the application of Section 73 / Section 73A of the Town and Country Planning Act 1990

- The planning application is to retain the development in its 'as built form that includes the "glossy" roof material (in breach of condition 6) and the colour of the fans not as approved. (photograph submitted). Also that the fans were not the correct colour (being black)
- Raise concerns about error in the Habitats Regulation Screening Assessment issued in respect of the application and the matters is considers (only the amendments).
- That the LPA has no evidence on which to conclude that, beyond reasonable scientific doubt, the development will not have an adverse impact on the River Wye. Reason are summarised:
  - the manure management plan did not consider have regard to the phosphate content. The plan was not a condition and residents advise not being followed. No information about manure management has been supplied with this application.
  - Not sufficient information to demonstrate nutrient neutrality
  - Ammonia impacts on the river Wye SAC – not properly assessed against current information

The latest letter explores the matter in more detail than the summary above and can be read at: <https://myaccount.herefordshire.gov.uk/documents?id=f971a672-e92e-11eb-a570-0050569f00ad>

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

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

## 6. Officer's Appraisal

### *Legal context and background*

6.1 This application is made under section 73 of The Town and Country Planning Act ('the Act'), seeks to vary condition 2 of planning permission 163327 – Erection of a barn egg unit for fertile egg production. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

6.2 Section 73 states as follows:

### ***73 Determination of applications to develop land without compliance with conditions previously attached.***

*(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*

*(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

*(2A) See also section 100ZA, which makes provision about restrictions on the power to impose conditions under subsection (2) on a grant of planning permission in relation to land in England.]*

- (3) *Special provision may be made with respect to such applications—*
  - (a) *by regulations under section 62 as regards the form and content of the application, and*
  - (b) *by a development order as regards the procedure to be followed in connection with the application.*
- (4) *This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.*
- (5) *Planning permission must not be granted under this section for the development of land in England to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—*
  - (a) *a development must be started;*
  - (b) *an application for approval of reserved matters (within the meaning of section 92) must be made.*

- 6.3 Subsection (2) makes it clear that the local planning authority can only consider the matter of the conditions and not the principle of the development granted. Subsection (5) stipulates that an application under section 73 cannot be used to extend the period for commencement of development. In this instance, pre-commencement conditions were discharged (application 183803) and officers are content that the development was lawfully implemented within the required timescale.
- 6.4 In this case the condition that the applicant wishes to vary, number 2, relates to the approved plans as detailed in section 1 above. The request is retrospective in nature as works have been undertaken without compliance with the requirements of this condition. As such, the nature of the application is one that seeks to regularise works that have been undertaken by seeking a variation of the approved plans. The power to grant planning permission retrospectively is via Section 73a of the Town and Country Planning Act 1990.
- 6.5 The task of the Local Planning Authority under Section 73 is to judge whether the conditions originally imposed should be adhered to or varied. The task may require, dependent on its purpose of the condition, a wide ranging enquiry with wider or narrower examination of the planning merits depending on the nature and stage of the development and the circumstances of the application. These matters are explored below.
- 6.6 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

#### *Policy context and Principle of Development*

- 6.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
  

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.8 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Clifford Neighbourhood Area. The Clifford Neighbourhood plan has reached draft plan stage under Regulation 14. The consultation was undertaken between the 26th October 2020 to 8<sup>th</sup> December 2020. The NDP currently has limited weight.

- 6.9 The site has a relatively complex history, detailed at section 3 above, however the principle of development of has been established through the granting of planning permission. It is generally accepted that rural area / the countryside are appropriate to accommodate agricultural related development, although assessment is required to ensure that environmental quality is not adversely affected to an unacceptable degree. There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011- 2031) that support the continued support of the more traditional employment sectors such as farming and food manufacture (Policy S5), support the diversification of existing agricultural businesses (Policy RA6) and provide employment (Policy E1).
- 6.10 As detailed above, the application seeks to amend the condition relating to the approved plans. The decision notice details the reason for the imposition of the condition as *To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.*
- 6.11 The key changes are detailed in section of this report but are broadly:
- Change to fans : change to position and increase from 7 to 13
  - Alterations to footprint of building (increase in length by 1.56m)
  - Alteration to height of building (reduction in height)
  - Change to door / openings position
  - Change to the size / shape of the attenuation basin and updated landscaping plans

## **Landscape Impact**

- 6.12 It is a core planning principle of the NPPF that planning should take account of the 'different roles and character of different areas...recognizing the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.' Policy LD1 of the CS requires that development proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, with incorporation of landscaping schemes to ensure development integrates appropriately into its surroundings.
- 6.13 As detailed in the original committee report, one of the key, and arguably main, issues is the landscape impact of the development both in terms of landscape impact and visual impact. The landscape hereabouts was derived as gently rolling farmland that forms the setting to the Brecon Beacons National Park. It is described as highly valued. The committee report provides a detailed assessment of the viewpoints and potential impacts both from short and longer distances. Members of the Planning Committee in taking the decision to grant planning permission had the benefit of a very detailed assessment and site visit but their views differed from the officers (as per section 3) and they concluded *that the impact of the development on the landscape character and appearance was not considered adverse; and the mitigation proposed, including the landscaping scheme and colour of materials would adequately limit any adverse impacts.* Appropriate conditions were imposed on the decision.
- 6.14 In considering the proposed changes to the form of the building (from that approved) the landscape officer acknowledges that the impact the increased number of fans from 7 to 13, densifying the undulations of the roof along two ridges lines instead of one. They acknowledge that the variation is unfortunate, but conclude that the overall visual impact is minimal in terms of the broad landscape visual amenity. No objection is raised to this amendment. Planning Officers would concur with this assessment.
- 6.15 Representations make reference to the colour and roofing material 'as built'. This matter is controlled, as per the committee resolution, by a condition. Condition 6 states:

*Notwithstanding the approved plans and documentation, prior to the first use of the buildings for agricultural purposes all external elevations of the main building (including the doors any louvres and steel supports) shall be finished with an Olive Green (BS 12B27 / RAL 100 30 20) matt colour and the roof of the building ridge vents & feed bins with a Merlin Grey (BS 18B25 / RAL 180 40 05) matt colour.*

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

- 6.16 Photographs of the roof / building have been submitted with the representation from Marches Planning to demonstrate that the roof has a shiny / reflective / non matt form. The matter was raised with the applicants and it was confirmed, in their email dated 8<sup>th</sup> February 2021, that the roof colouring is profile sheeting in Merlin Grey (RAL 1804005) in matt as required by the condition and that this was confirmed by the shed builder (Jacques International) to the Councils Enforcement Team. This application does not seek to vary or alter condition 6 – this will be re-imposed on any planning permission. Whilst a breach has not been identified by the Councils enforcement team to date, if this came to light, then the breach of the condition could be investigated and appropriate enforcement action taken at the time.
- 6.17 The proposed changes to the footprint of the building, that include the extension to the length by 1.56m, the increase in eaves height by 50mm, and reduction in ridge height by 500mm, along with the changes to door and opening positions must also be considered in the context of the approved scheme. Officers would conclude that the variation is minimal and would again have minimal impact in terms of broad visual amenity.
- 6.18 The committee also resolved that the landscaping proposed would assist in the mitigation of the impact of the proposed development. This detailed landscaping scheme was described as:
- Hedgerow tree planting along the north-eastern (front) and south-western boundaries (rear);
  - A woodland block between the south-eastern elevation of the building and Hardwicke Brook;
  - A woodland block between the south-west end gable elevation and the south-western field boundary;
  - The provision of a new native hedgerow with hedgerow trees across the entire width of the field parallel to the north-western side elevation of the proposed building; and
  - The provision of a new native hedgerow with hedgerow trees at the north-west corner of the site, effectively closing a gap between an existing woodland block and the south-western field boundary. A 2 metre gap would be left to ensure that the public footpath (CL74) hereabouts is not obstructed.

This landscaping was undertaken earlier in the year, in accordance with the updated landscaping plans submitted during the course of this application. Landscaping is not just limited to the building, it includes new tree planting hedgerow gaps, and to the north of the building (at the top of the cutting). The amended landscaping scheme is inserted below for reference:







*agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.*

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

- 6.22 To ensure that the landscaping is maintained for the period envisaged, this condition should be amended to reflect the updated landscaping plan, and be re-imposed.
- 6.23 Officers are mindful of the requirements of policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan, Core Strategy that were carefully considered at the time of the original decision. Officers are content that, the visual impacts of the proposed development, in its varied form, when assessed against its permitted form would not represent a significant visual impact on the character of the landscape hereabouts that would warrant a refusal of the application. Conditions relating to material colour and landscaping would be re-imposed.

### ***Biodiversity and Habitat Regulation Assessment***

- 6.24 LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats. The National Planning Policy Framework provides detailed guidance on this matter that is also a significant material consideration.
- 6.25 Representations raise continued concern about the impacts of the development on the River Wye SAC and other locally designated wildlife sites. In particular these representations challenge the Council ecologists comments, assessment and conclusion that, on the basis of the information provided, and with no change in air emissions or approved stock numbers there are no 'likely significant effects' from this application for a variation of plans application on the River Wye SAC, any relevant SSSI designated nature conservation site, Local Wildlife Site, Ancient Woodland or any priority habitat. Therefore it is concluded that the application can be considered as screened out from requiring any further Habitat Regulations Assessment.
- 6.26 I would draw members attention to the full HRA Screening report at para 4.43. It is noted that as our recommendation to screen out the need for further Habitat Regulation Assessment it is not necessary to consult with Natural England. However, given the sensitivity, consultation was undertaken in July and chased in October but no response has been received from Natural England. (Officers note this is not unusual where there is no statutory requirement for consultation)
- 6.27 Following receipt of the updated surface water and flood risk strategy supplied by the applicant and subsequent comments from the Council's land drainage team confirm that the revised scheme does not change any final flows or outfalls from the site a further consultation with Ecology was undertaken. This confirmed that with no changes from the originally proposed and approved nature or volume of outfall from surface water flows from the development site there is no change in the original assessment of NO potential adverse effects on the integrity of River Wye SAC or any locally designated wildlife site from the development. They confirm with no changes or effects identified there are no further ecology comments and no objection to the application is raised.
- 6.28 Whilst representations make the case that the development as a whole, with updated survey work, should be reconsidered for HRA purposes, officers are of the opinion that this is not the

case due to the nature of the application; to vary the approved plans (as detailed above). I would also draw members' attention to the very detailed exploration of HRA matters in the original committee report (6.30 – 6.42) that includes consideration of the manure management plan. With no increase in bird numbers brought about by this application, there is also no requirement to revisit this matter.

- 6.29 On the basis of the above, I would conclude that the proposal would not result in harm to ecology / biodiversity and that there is not conflict with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy.

## Drainage and Flood Risk

- 6.30 The committee report for the original permission considered Flood Risk and Land Drainage. It stated ' *There is no objection to the proposed development on flood risk or drainage grounds. If Members were minded to grant planning permission an appropriate condition would be required to ensure appropriate detail.* Condition 9 of Planning Permission was then imposed that required details of the drainage strategy to be agreed to ensure satisfactory drainage arrangements in accordance with policies SS6, SD3 and SD4 of the Herefordshire Local Plan Core Strategy. Following consultations with land drainage and ecology, this was approved in May 2019.
- 6.31 The application before members includes a variation to the attenuation pond size (enlarged) that formed a part of the agreed drainage strategy (approved via the discharge of condition application 183803). The approved and proposed ponds are detailed on the landscaping plans as below for reference:



- 6.32 During the course of the application and updated Foul and Surface Water Drainage Strategy (March 2021) was submitted. The Councils drainage consultants confirm that the slight increase in size is not a cause for concern, as long as the discharge rates remain as agreed previously, which they do. As such, officers are satisfied that the requirements of policies SS6, SD3 and SD4 continue to be met alongside policy LD2 that has been considered above.

## Impact on amenity

- 6.33 Policy SD1 of the CS seeks to ensure that new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution. RA6 requires that development should not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell.

- 6.34 The Councils Environmental Health Officers have considered the matters carefully and their comments at section 4 above and provide detailed consideration. Following the submission of additional technical information, no objections are raised by the internal consultees on grounds of noise, air quality or odour. Officers note the request for actual survey work of the 'as built' development in respect of air emissions (albeit this relates in part to ecological impacts) and noise but given that the numbers of birds is not increasing, and that the detailed desk reports were not marginal or resulting in cause for concern, desk based assessments were considered adequate and no further survey work is required in this instance having regard to the context of this proposed amendment and a decision must therefore be taken based on the available information.
- 6.35 In addition conditions relating to the use of the building for fertile egg production (condition 5) and the hours of delivery of feed and removal of eggs (condition 8) would be re-imposed to safeguard the amenities of the local residents. The section 106 Unilateral Undertaking dated 24<sup>th</sup> October 2017 relating to water supply (borehole) would also continue to apply (as per para 4.6 of that agreement) that can be viewed online here:  
<https://myaccount.herefordshire.gov.uk/documents?id=19b9d459-c075-11e7-b660-0050569f00ad>
- 6.36 As such, no conflict with policy SD1 or RA6 is detected in respect noise, air quality and odour having regard to amenity of local residents.

### **Highways / Transportation**

- 6.37 Policy SS4 within the CS is the strategic policy dealing with movement and transportation. It requires, inter alia, that the safe and efficient operation of the network is not detrimentally impacted. This policy is underpinned by MT1, a criterion-based policy requiring that development proposals operate safely and that traffic impacts can be absorbed on the highway network without adversely affecting the safe and efficient flow of traffic on the network.
- 6.38 The proposals subject of this application do not raise any matters relate to highways and the Councils Area Engineer (Highways) raised no objection to the proposals. Previous conditions would be re-imposed.

### **Economic/Social**

- 6.39 The proposal relates to an existing operational poultry development in connection with layers which produce fertile eggs. The British poultry industry makes a significant contribution to GDP. In addition the proposal would offer the benefit of increasing agricultural capacity and food capacity. Moreover, agriculture has a major role in the economy of Herefordshire and plays an important part in the health and vibrancy of local communities. Core Strategy policies and the National Planning Policy Framework recognise the value of the agricultural sector in terms of economic benefits. Policy RA6 of the Herefordshire Local indicate that a range of economic activities will be supported, including proposals which are of a small scale and are compatible with the rural character. The proposal is considered to support and strengthen local food and drink production and support the retention of existing agricultural businesses. The proposal would clearly contribute to the economic and social objectives of the National Planning Policy Framework (NPPF). This is a significant material planning consideration that weighs in favour of the proposal.

### **Conclusion**

- 6.40 Firstly, having made the assessment of the proposals and their impacts, officers are content that the proposals, relating to the request for variation of the approved scheme are minor material amendments and as such it is appropriate to consider them having regard Section 73 of the Town

and Country Planning Act 1990. This is also the appropriate course of action to regularise retrospective development having regard to Section 73A of the Town and Country Planning Act.

- 6.41 It is necessary to consider the proposed changes to the development in the context of the approved scheme. In the event that this application fails, the planning permission, granted in 2017 would remain and consideration would need to be given as to the requirements for enforcement action to regularise the breach of the condition that required works to be undertaken in accordance with the approved plans. This approved position is a material planning consideration.
- 6.42 The starting point for the determination of the application is the development plan. The proposal is considered to accord with Policies SS5 and RA6 of the CS, which support employment proposals in rural areas, subject to satisfactory environmental protection and mitigation. The proposal supports and provides employment in the agricultural sector, adding value to the local supply chain.
- 6.43 Taking into account the requirements of CS policies SS6 and LD1, the Officers have carefully considered the proposals as detailed above and conclude that the resulting development would not cause any demonstrable cumulative harm to the character of the countryside or surrounding landscape in the context of the existing permitted scheme, including the detailed landscape mitigation scheme and conditions imposed relating to colour and materials.
- 6.44 Officers also acknowledge the significant concern about the impacts of the development (in its permitted and proposed forms) on the River Wye SAC and on other designated conservation sites (SSSI and sensitive priority habitats and Local Wildlife Sites. However officers have concluded that there is no change in the original assessment of NO potential adverse effects on the integrity of River Wye SAC or any locally designated wildlife site from the development and that there are no changes or effects identified. Therefore this application is considered as 'screened out' from requiring any further HRA assessment process and no appropriate assessment is triggered.
- 6.45 Officers therefore conclude that the proposals comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.46 The proposal would not give rise to any unacceptable impacts on air quality and residential amenity, arising from odour, noise, or emissions to the atmosphere and water environment and with the relevant conditions imposed policies SD1 and RA6 remain satisfied. Likewise, technical matters in relation to site drainage have been revisited and with appropriate conditions to ensure compliance with the approved scheme remain compliant with the requirements of policies SD3 and SD4 of the Core Strategy. No new highway matters have resulted from the alterations proposed and therefore the proposals accord with policies SS4 and MT1 of the Cores Strategy.
- 6.47 Overall I am content that the development is sustainable development. The development is considered to be acceptable subject to the inclusion of the recommended conditions listed below. The application is therefore recommended for approval subject to the conditions outlined below

## RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

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

- 1. The development hereby permitted shall be carried out in strict accordance with the following approved plans:**

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Location Plan - HM/01B
- Site Plan - HM/02B
- Elevations and Floor Plan - HM/03A
- Amended Landscape Proposals - 1486.01C
- Foul and Surface Water Drainage Strategy - Hydro-Logic Services Report K0723a/Rev4 – March 2021
- 16.5 m Articulated Lorry Tracking - Drawing number 18072-02 (Scale 1:250 @ A3)
- Site Access & Visibility Splays - Drawing number 18072-01 (Scale 1:500 @ A3);

except where otherwise stipulated by conditions attached to this permission.

**Reason:** To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 2** Planning permission P170836/F granted on 19th April 2017 by Herefordshire Council shall be fully implemented prior to commencement of the development hereby permitted.

**Reason:** In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 3** Prior to the first use of the building hereby permitted the widened vehicle access and vehicle turning / manoeuvring area shown upon the approved plans shall be provided and thereafter maintained free of obstruction for use by motor vehicles. In addition prior to the first use of the building hereby permitted visibility splays of 2.4 metres x 37 metres in the south-easterly direction and 2.4 metres x 38 metres in a north-westerly direction with no obstruction above 600mm above carriageway level shall be provided at the point where the vehicle access emerges onto the C1208 and thereafter maintained as such.

**Reason:** In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 4** The building hereby permitted shall only be used for fertile egg production and not for any other form of poultry related production (e.g. broilers).

**Reason:** The processes / activities associated with different forms of poultry related production have materially different environmental impacts that would require assessment.

- 5** Notwithstanding the approved plans and documentation, prior to the first use of the buildings for agricultural purposes all external elevations of the main building (including the doors any louvres and steel supports) shall be finished with an Olive Green (BS 12B27 / RAL 100 30 20) matt colour and the roof of the building ridge vents & feed bins with a Merlin Grey (BS 18B25 / RAL 180 40 05) matt colour.

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

- 6** All planting detailed upon Amended Landscape Proposals -1486.01C shall be carried out in the first planting season following completion of the development or first use of the building for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 7** There shall be no delivery of feed or removal of eggs outside the following hours:

- 07:00 hours to 20:00 hours Monday to Saturdays

and there shall be no delivery of feed or removal of eggs on Sundays, Bank Holidays or Public Holidays;

**Reason:** To safeguard the amenities of the area (including the amenity of the occupiers of 'Archenfield Cottage'), in accordance with policies SS6 and RA5 of the Herefordshire Local Plan Core Strategy 2011-2031

- 8** Drainage of the site shall be carried out in accordance with the details approved under application 183803 and in full accordance with details contained within the Foul and Water Drainage Strategy (March 2021) and shall be thereafter maintained as such.

**Reason:** To ensure satisfactory drainage arrangements in accordance with policies SS6, SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

#### **INFORMATIVES:**

- 1. IP2 - Positive and Proactive 2**
- 2. Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction**



**3. This planning permission is subject to a Section 106 Unilateral Undertaking dated 24<sup>th</sup> October 2017**

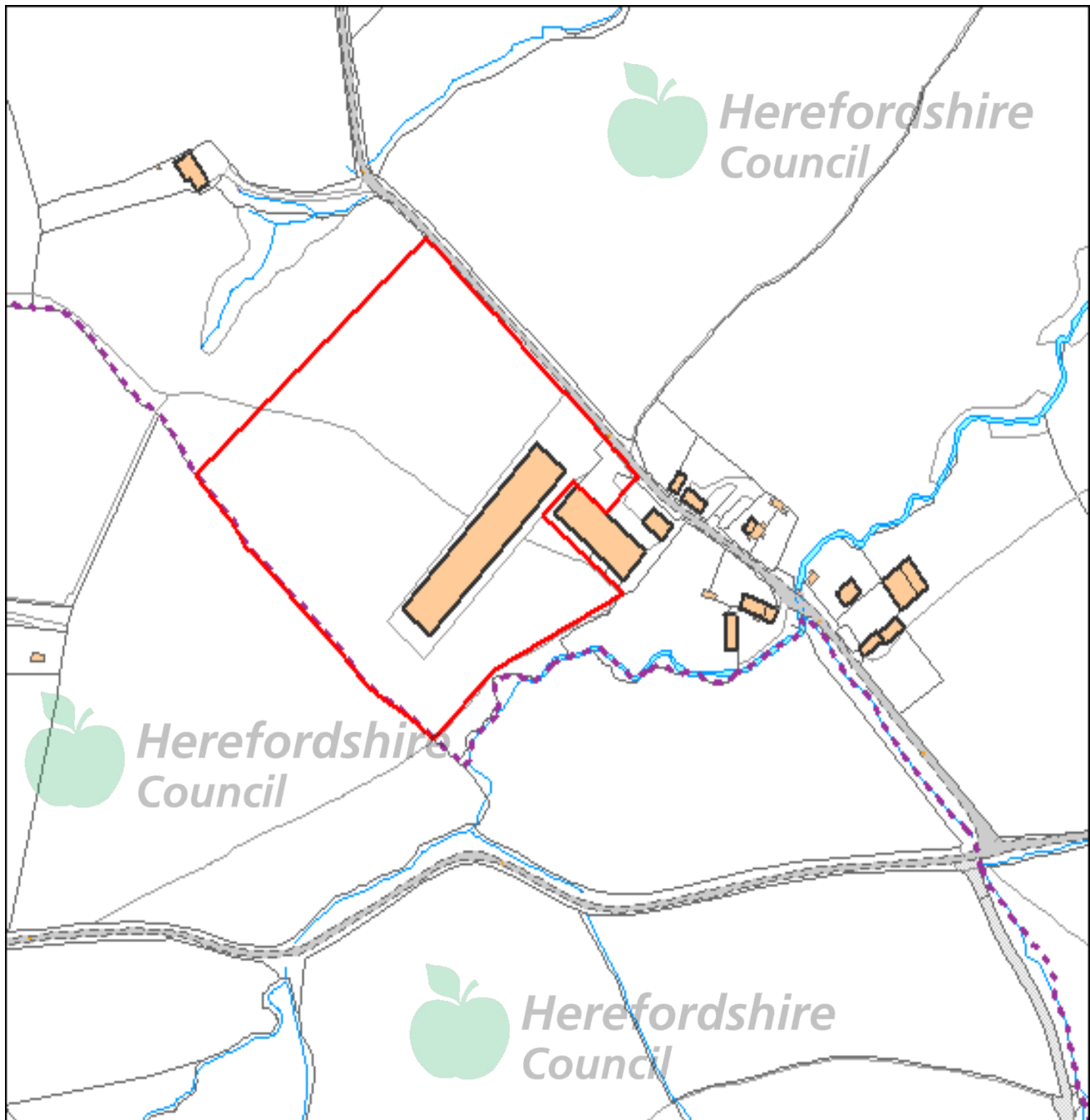
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 204133

**SITE ADDRESS :** WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD,  
HEREFORDSHIRE, HR3 5TB

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781