

204242 & 204243 - DEMOLITION OF EXISTING BARNs WITHIN THE GROUNDS OF A LISTED BUILDING. PROPOSED NEW FARM SHOP AND CAFE AND OFFICE ACCOMMODATION BUILDINGS WITH ASSOCIATED CAR PARKING AREA AT WARHAM COURT FARM, BREINTON, HEREFORD, HR4 7PF

For: Mrs McMinn per Mr Nick Carroll, 42 Broad Street, Worcester, WR1 3LR

ADDITIONAL REPRESENTATIONS

Cllr Toynbee (Neighbouring Ward Cllr)

Thank you for receiving my statement as councillor for the adjoining ward to Credenhill Ward. I am pleased that this application is coming to Committee, and thank committee members for taking note of the numerous and well-informed representations from a wide variety of people and organisations. I have had many communications, over three years, about this application; I understand the concerns raised, and am surprised that the recommendation coming to committee is for approval.

Warham Court Farm is a few hundred metres outside my ward, Greyfriars, and very much part of our local community. The countryside between the city and Breinton is a green lung for hundreds of residents of West Hereford, and they deeply value its greenery, peace, wildlife, rural heritage and opportunity for exercise. The ancient lanes, lined by wonderful hedges, are enjoyed by dog walkers, runners, families and cyclists, not to mention tourists, including those who walk the Wye Valley walk and the paths that link it to historic Warham and Breinton (see Policy E4 – Tourism, Core Strategy p137).

The lanes around Warham are narrow and winding, with poor drainage, very few passing places and poor visibility. A few hundred metres to the South of the site of this application is the River Wye, Site of Special Scientific Interest and Special Area of Conservation, the ecological sensitivity of which we are all more aware of than ever. A few hundred metres to the East is Broomy Hill Conservation Area, designated for its special architectural, historical and natural interest.

The area between Hereford and Breinton has a particular local distinctiveness, that should be preserved and enhanced (see policy SS6, Core Strategy p42)

Paragraph 6.20 of this report is particularly surprising: “It is acknowledged that there may be some increased car journeys to access the shop/café and businesses however, this would be somewhat offset by the number of journeys made by local people to access shops and employment in Hereford as there is no current facilities within the locality”. A **brand new** business and café, with a large car park, would necessitate a lot more than “some increased car journeys” to be financially viable, and the offsetting argument does not reflect reality.

To the West of the site are tiny lanes – indeed this proposal is served exclusively by extremely narrow lanes. There are no pedestrian walkways, and the verges and culverts are already damaged by vehicles manoeuvring or trying to pass each other. Surprisingly, the speed limit is 60mph, and there are no length or weight restrictions on vehicles.

I enclose a couple of photos shared with me from just this week, which show that in places the single track lanes around the site of this application are barely one vehicle wide.

For vehicles moving from this site towards Hereford, the right turn from the end of Broomy Hill onto Barton Road is notoriously dangerous, and an increase in traffic would pose a certain risk.

As far as social and community facilities are concerned, (see policy SC1, Core Strategy p128), this industrial development would have a detrimental effect on a unique area that fulfils Herefordshire Council's policy of maximising opportunities for city residents to access the countryside without the need for a car. Evidence of any benefits to the local community of this application being approved is very weak.

Knowing the area extremely well, having read all the documents, and heard from experts and residents, my view is that approving this application would have a negative impact on the people, traffic flow, quality of life, heritage and environment of the neighbourhood, and would not be in keeping with the sort of development we want to encourage in Herefordshire.



Julie Milsom – Director of Herefordshire Community Farm

I am contacting you in my capacity as Director at Hereford Community Farm which is referenced in the above application. Having read the Officer Report which is listed on the Herefordshire Council Planning website I wish to bring to your attention areas of concern and inaccuracies that are pertinent to the application and ask that the committee be made aware of these points as a matter of urgency and integrity to the decision making process.

With regret I am unable to attend the Planning Committee Meeting in person to raise these points as I already have a commitment at the Hereford Community Partnership Meeting where a film about the work of the Community Farm made in conjunction with Herefordshire Healthwatch is being previewed.

Hereford Community Farm is an established community asset and as such falls within the Core Strategy policy SC1 which states that;

'Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected, or it can be shown that the facility is no longer required, viable or is no longer fit for purpose: and where appropriate it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.'

Please note:

It is stated in the report section 5.2 in response to the public consultation that *'Hereford Community Farm states that they feel reassured that they can continue on the 5 acre site and support the diversification scheme'*

To clarify **At no point has any representative of Hereford Community Farm been directly in communication with the Case Officer or other members of the planning team with regard to this application or supplied the above statement.**

The position of HCF regarding this application is already stated in a comment dated 03/02/2021 which remains unchanged neither supporting or objecting to the application.

The proposal as it stands will result in a 40% reduction in footprint of the Hereford Community Farm site currently leased from the landlord and the loss of all critical infrastructure - the portable classroom facilities - kitchen, office, accessible toilets, and heated workrooms essential to ensure an inclusive environment for our clients. In addition the 'tin barn' parallel to the lane which is to be demolished for the new building is still in active use as the woodwork workshop. The loss of the orchard area to the east which also comprises a cabin and covered area used for our schools session (installed by HCF) would affect the viability of schools and SEND provision.

The 5 acre field referenced has been leased by HCF since 2013 when it was formerly a grazing paddock and all existing enhancements - greenhouse, vegetable growing areas, garden, portable buildings, pathways and fixtures have been installed by HCF.

However it is to be noted that this field was identified as being within the chosen route for the Western Relief Road (Hereford Bypass) which if built would render the site unuseable for HCF use.

Consequently it is now impossible for HCF to have any guaranteed security of tenure on this part of the site even with the support and agreement of the landlord and this inhibits the organisations ability to raise grants or social funding for capital works or developmental works on this 5 acre field.

The potential building identified as an alternative premises for HCF to the west is a redundant former dairy that was identified in the previous application as unfit for use and to be demolished - it is currently used as storage space.

To provide clarity and give context we therefore extend an invitation to the Planning Committee to visit the Hereford Community Farm site and view the premises during their site visit on 26/07 in advance of their meeting.

With reference to points 6.11 & 6.12 it is misleading and inaccurate to state that the proposal as it stands for maintaining HCF on the site would '*provide an enhancement and continuity to the existing facilities for the Community Farm and overcome the concerns raised in regard to the loss of the Community facility.*'

There are no detailed plans for the relocation of Hereford Community Farm on this site ahead of the new development commencing and without specific conditions there is no guarantee that the Hereford Community Farm will be protected or able to continue at Warham Court so an alternative has to be sought to ensure that this Community Asset is not lost.

In conclusion Hereford Community Farm is appreciative of the opportunities that have been provided by the landlord and recognises that the farm diversification proposal that has been put forward reflects the landowners right to develop the commercial viability of the site. However the absolute priority for Hereford Community Farm is to safeguard delivery of service provision for the people that need it, to safeguard the jobs of a skilled and dedicated team and to 'future proof' the organisation as a community asset.

Three further letters of objection have been received and are detailed as below:

Representation 1

Have the people who run the Community Farm been consulted via the planning authority or others about the impact that this planning application would have on the Community Farm and do you have a detailed record of their response which will be discussed at the meeting?

What measures are put in place to ensure that the Community Farm service is not disrupted?

The Community Farm, based at Warham Court Farm, provides vital social care placements for children, young people and adults living with disability, long term health conditions and mental health issues. Crucially, the Community Farm fills the gap left by closure of other services due to funding cuts, and is provided at no operational cost to the local authority. The facility provides a lifeline to disadvantaged people in and around Hereford.

Representation 2

This site already has an existing approval for a café and shop on a much more suitable scale for the location ([Town and Country Planning Act 1990 \(herefordshire.gov.uk\)](http://TownandCountryPlanningAct1990.herefordshire.gov.uk)).

If it has not been viable to build in accordance with this planning approval, why would an much bigger application with a car park the size of Aldi, be more economically viable?

The Planning Officer report is inaccurate and misleading on many occasions.

1. The site is not within a "settlement" but open countryside which is very rural despite its close location to the city of Hereford.
2. The officer omits to mention that there is already a farm shop in the parish, Breinton Manor, which does grow and sell its own produce. This is in addition to Wyevale Garden centre which provides a range of retail goods and a large café/restaurant. How does the development of another shop and café support local food and drink production by setting up in competition with these existing operations? How does this development support the vitality of the retail shops and office space in Hereford, which is a much more sustainable location for offices and retail and located just 1/2mile from the site?
3. Para 6.20 in the officers report is factually incorrect, spurious and misleading. " It is acknowledged that there may be some increased car journeys to access the

shop/cafe and businesses however, this would be somewhat offset by the number of journeys made by local people to access shops and employment in Hereford as there is no current facilities within the locality.” The proposed ventures if successful will undoubtedly result in a significant increase in car journeys. The residents of working age often work locally or from home, residents will continue shopping at supermarkets, etc. so many of these offset journeys do not exist. As the objectors have highlighted there are already shops, including a farm shop selling their own local produce, within Breinton Parish.

4. The current farm operation is an intensive livestock unit and does not even grow its own feed for these operations, despite what they said they would do in their original barn development. Currently, the farm only produces beef and the feed is trucked in regularly from Northamptonshire on articulated lorries through Hereford City and residential areas of Breinton/Barton Road. How does the proposal support local food and drink production?
5. The plans for the relocation of the Community Farm to the west of the site do not make clear how the repurposed farm buildings will provide the same or improved facilities for the Community Farm or how they can continue to use the historic apple orchard to the east of the new car park. The new location of the Community Farm surrounded by the access for delivery and waste vehicles poses a risk to the users of this facility as well as impacting clients through increased vehicle noise and pollution.. As such the development actually risks the loss of established jobs and opportunities offered by the Community Farm, listed as a Community Asset.

The application should be refused as it is contrary to the following Core Strategy Policies: -

- Policy RA5 Reuse of Rural Buildings makes it clear that development will only be permitted where “The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. As the officers report Para 4.9 overview describes it “The Applicant proposes the demolition of existing barns within the grounds of a Listed Building and the construction of a new farm shop and cafe and office accommodation buildings” this application is therefore contrary in every way to this policy and cannot be considered compliant.
- Policy RA6 (Rural Economy) which permits applications where they: “*ensure that the development is of a scale which would be commensurate with its location and setting*”; “*do not cause unacceptable adverse impacts to the amenity of nearby residents*”; “*do not generate traffic movements that cannot safely be accommodated within the local road network,* ”. The vehicle movements CANNOT BE INCORPORATED INTO THE LOCAL ROAD NETWORK as the officer is recommending the REMOVAL OF ANCIENT HEDGEROWS AND THE CREATION OF 3 PASSING BAYS ON ONE ACCESS ROAD (via Broomy Hill) to accommodate the additional vehicle movements this development will generate. The officer makes no comment about the lorries, vans and cars accessing the site from other roads across the parish and their impact on other road users and residents and other farmers, needing access to their crops and livestock.
- Policy SC1 which states “*Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.*” Where are the new toilets, classrooms and changing facilities for the Community Farm and its vulnerable users in the plans? With no detailed plans and clear delivery for the relocation of the Community Farm ahead of the new development commencing, this application is contrary to Core Strategy policy SC1.

- Policies SD3 or SD4. This farm site had an Environment Agency investigation in 2021 as untreated, dirty farm water was contaminating land and running directly into water courses, flowing into the adjoining River Wye SAC. Despite being asked to do so, the Planning Office has not consulted with the Environment Agency on this development, despite the proximity of the discharges to the River Wye SAC and local water courses. The application does not accord with NDP policy RA6 which states the rural developments “*do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4*”. The drainage proposals are insufficient and therefore are not able to show compliance with Core Strategy Policies.

This application also fails to comply with the following Breinton Neighbourhood Development Plan policies:

- Breinton NDP Policy B4 which does not support the re-use of buildings for office space. The officers recommendation for office use is contrary to this Neighbourhood Plan Policy.
- Breinton NDP Policy B13 provides for “*the re-use or conversion of existing buildings for outdoor recreation and tourism related uses appropriate to the tranquil and unpolluted open countryside*”.

To properly protect the Community Farm the officer should be recommending that the Condition should be amended to make it clear that should the application be approved so that it reads something like :-

“The application CANNOT proceed, until the Community Farm has been successfully relocated in equivalent or improved facilities as they currently application outlines.

Processes need to be agreed with the planning authority to minimise the noise and danger to staff and users of the Community Farm from delivery and waste vehicles manoeuvring close to the relocation area. Safe access to the historic apple orchard across the site which plays an important part of the therapy provided by the Community Farm should be protected for use by the staff and beneficiaries of the therapeutic support.

The heavy, articulated feed and livestock lorries are coming & going on a regular basis to Warham Court Farm are causing the following damage to:-

1. the Longmeadow junction due to the weight and load of articulated lorries turning tightly on this junction.
2. the lanes from Brecon Road to Warham Court Farm (C1189 and U73022), including Magpie Lane (U73023) - which are crumbling away and narrowing as the vehicles wheels are wider than the road widths in places.
3. collapsing the culverts under the roads causing flooding and erosion of the road surfaces (see the long term problems of the culvert outside Warham Farm Cottages, and the pitted and patched dangerous road surface just below where the water accumulates).
4. damaging residents water mains supplies that sit inside the lanes and driveways;
5. eroding the banks of some of the roadside fields and verges.
6. damaging hedges and trees.
7. intimidating other road users eg. car drivers, walkers, cyclists, etc.

This is why weight & length restrictions on the roads are urgently needed and have been requested by the Parish Council and residents outside of this planning application.

Under the latest planning application for Warham Court Farm, Herefordshire Highways say it is fine for there to be increased traffic on the lanes & the Broomy Hill road has sufficient width for delivery, building and waste vehicles and there is no issue with the 60mph speed limit.

The driver of the Northamptonshire feed lorry that forced 6 residents to have to find an alternative route into Hereford on Monday due to blocking the Warham road (C1189), says he has been told by Warham Court Farm (Kevin Hammett) to deliver along the C1189 and not the Broomy Hill Road. Is this what the farm will be telling all the other delivery and building lorries to the new development? If so, why are Highways only requiring passing

bays for the Broomy Hill Road, and not the C1189 and other lanes in the parish, if the deliveries can take any route they like to the farm?

I do not believe that this application should be given approval. However, as a smaller farm shop and café as part of the location of the Community farm was previously been given approval may I suggest that if planning are approval of the development at Warham Court Farm is to be recommended that Councillors at the planning meeting need to add and approve the following conditions to any consent:

1. Condition that Broomy Hill Road is the vehicle access route to Warham Court Farm for all vans and lorries accessing the farm business units, shop and café and for the development vehicles.

2. A condition restricting the length and width of vehicles going to and from Warham Court Farm is applied to all routes in Breinton, including the C1189,U73022, U73023, Broomy Hill and Brecon Road and limiting vehicle speeds to 40mph, the same as outside Wyevale Garden Centre.

3. the hours of delivery vehicles to Warham Court Farm should be restricted from 9.00am to 5pm weekdays. With Warham Court Farm looking to sell their own food and drink, deliveries should not be required at the weekend. This would protect the quiet lanes for the access and amenity of local parish and city residents for walking, cycling, running, horse riding, etc. particularly out of school/office hours, when most people utilise the quiet rural lanes for leisure and amenity. (The adjoining wards of Greyfriars, Whitecross, Kings Acre, etc have the lowest proportion of open space for residents than any other part of the City. Breinton is an important leisure area for these residents, accessible by sustainable modes of transport).

4. If planning cannot condition a particular route for vehicles in and out of the Warham Court Farm site, then the condition for parking bays needs to be expanded so that the developer needs to provide more passing bays around the Parish to prevent delivery and farm vehicles restricting the movement of other road users and residents around the parish.

5. There needs to be a section 106 request for the culverts along the length of the C1189 (Breinton Lane to Hereford) and the Broomy Hill road, to be upgraded so that they can take the weight of the vehicles during the demolition and development and the delivery and waste lorries, and to make good the junctions at Long meadow and upgrade the road surfaces between Longmeadow and the Warham House turning, caused by damage of culverts and failure of the farm ditches to prevent field run off eroding the road surfaces.

6. The farm owner needs to maintain the ditches and drainage around Warham to prevent field run-off and localised flooding and to accommodate the additional waste water generated by this development, which according to the drainage plans are to be discharged into the local water courses.

7. Breinton Parish only has one bus a week, and is often over capacity and does not currently go past Warham Court Farm. To help minimise the number of vehicle movements generated by the site, there should be further S106 request or condition, that the development funds another regular, local bus service between Hereford and around Breinton Parish, to link the site by local public transport and enable all residents, regardless of whether they are able or own a car, to access the jobs offered by this development. This would accord with sustainable development and enable local residents and other users to access the site by means other than private car.

It seems very odd that when the City has so many empty shops, offices and other business units, that the officer would recommend development of more retail and café away from Hereford, especially when it will rely on so many car journeys from Hereford residents. Breinton is not an area of high unemployment or deprivation requiring diversification. Breinton is not marked as an area for employment or commercial development in the Core Strategy.

This is a car reliant development in open countryside accessible only by narrow, single track roads and no consideration has been given to other travellers, such as walking, running, cycling, horse-riding.

OFFICER COMMENTS

The objectors further comments are acknowledged though do not raise any new material considerations that are not covered within the Committee Report.

Whilst recognising the views expressed, the scheme has been subject of consultation with all relevant technical consultees and is considered to be in accordance with planning policy in that it supports farm diversification and conversion of rural buildings.

The Transport Statement provided has stated that the majority of traffic will come from the east along Breinton Road and therefore requiring the passing bays to the east. Condition 8 states that development cannot begin prior to the details of the passing bays being agreed.

Additional conditions are suggested below that seek to control the use of the farm shop and café (Office use already has a suggested condition).

To protect the future of the Hereford Community Farm, condition 9 requires full details of the relocation and siting of the Hereford Community Farm use and any associated structures to be submitted to and approved prior to first use of the proposal.

A HRA has been undertaken with regard to the proposed development and concluded that there would be no adverse effects on the integrity of the identified River Wye Special Area of Conservation subject to appropriate mitigation being secured, condition are included in the report. Natural England has reviewed the HRA and has no objections.

A separate discharge licence may need to be obtained from Environment Agency. Any separate regulatory licence requirement is outside of planning controls and any HRA associated with this planning application.

CHANGE TO RECOMMENDATION

ADDITIONAL CONDITIONS SUGGESTED:

- The area identified as café in building 5/6 on plan number 2011/P/04E shall be used for Class E (b) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- The premises within unit 5/6 identified as the farm shop on plan number 2011/P/04E shall be exclusively for the sale of goods and produce supplied either as the owners own produce or from neighbouring farms or the local areas, defined as being within 5miles radius of the approved farm shop.

Reason: The local planning authority wish to control the specific use of the land/premises, to support local produce and growers and to preclude the establishment of an unrestricted out of town retail unit and in the interest of local

amenity and to comply with Policies MT1, E5 and SD1, of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and Policy B4 of Breinton Neighbourhood Development Plan.