

| | |
|--|--|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 13 September 2017 |
| TITLE OF REPORT: | 163327 - ERECTION OF A BARN EGG UNIT FOR FERTILE EGG PRODUCTION AT WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD, HR3 5TB For: Mr Morgan per Mr Hugh Morgan, White House Farm, Watery Lane, Archenfield Hay-on-Wye, Hereford, Herefordshire HR3 5TB |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163327&search=163327 |
| Reason Application submitted to Committee – Re-directed | |

Date Received: 17 October 2016

**Ward: Golden Valley
North**

Grid Ref: 326020,242345

Expiry Date: 30 January 2017

Local Members: Cllr PD Price

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 applicant is a tenant farmer upon the Penoyre Estate. He and his family reside in the farmhouse to the south-east of the application site. Immediately to the south-east is the existing range of farm buildings. The proposal is the erection of a barn egg unit for fertile egg production.
- 1.2 White House Farm is a holding that consists of 105.38 hectares (260.4 acres). This is currently made up of 86.98 hectares of grass, 4.79 hectares of fodder beet and 13.61 hectares of combinable crops. It is understood that the holding runs a flock of 397 ewes with approximately 100 lambs which are kept on the holding up to 9 months of age, 2 horses and a pony.
- 1.3 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."*
- 1.4 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. 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

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

(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.

- 1.5 The proposed development would be the subject of a “cut and fill” exercise, such that the building would predominantly be set into the site such that the finished floor level would be 186.25m above ordnance datum (AOD), the eaves level would be 189.20m AOD and the ridge level 191.77m AOD. The feed bins would have a height of 193.63m AOD.
- 1.6 The surplus material (as more is to be cut then filled), would be spread on the adjoining field to the north-west. The land would not be raised by more than 380mm.
- 1.7 Whilst this is a proposal to erect a building to accommodate poultry the precise activity proposed to take place is somewhat different to the majority of “poultry applications” that we receive. The majority of applications that we receive are either for broilers or for free range egg production for human consumption. The proposed building would accommodate 14,000 laying hens together with 980 cockerels. Once the eggs are collected they would be transported to be hatched in a hatchery. This is likely to be the Hy-Line Hatchery in Redditch, Worcestershire.
- 1.8 Such a facility works on a 48 week production cycle. At the end of each production cycle there would be a 4 week period for cleaning and preparation of the unit in readiness for the following production cycle. Washing out of a fertile production unit during this turn-round period takes 2 – 3 days due to the level of cleaning required.
- 1.9 It is understood that the proposed development would generate the following vehicle movements:-
 - Delivery of birds – 16.5m Articulated HGV – Every 48 weeks – 2 Trips – 4 Movements;
 - Delivery of feed – Rigid 4 Axle Lorry – Once a week – 1 Trip – 2 Movements;
 - Collection of eggs – Rigid 3 Axle Lorry – Once a week – 1 Trip – 2 Movements;
 - Collection of manure – Tractor and Trailer – Every 48 weeks – 40 Trips – 80 Movements;
 - Collection of end of lay birds – 16.5 m Articulated HGV – every 48 weeks – 2 Trips – 4 Movements; and
 - Collection of dirty water from sealed tank at the end of each flock cycle - 6-wheel rigid tanker – 1 Trip – 2 Movements.
- 1.10 So during the normal week the site operation would generate 2 lorry trips (4 movements – 2 in and 2 out).
- 1.11 It is understood that the proposed routing to and from the hatchery would be along the B4348, B4352 onto the A438 then the A4103 through Hereford and onto the M5.
- 1.12 It is understood that the feed would be supplied by Humphrey Feeds in Winchester. The routing strategy would be along the M50, A49, A465, B4352 and the B4348.
- 1.13 The existing vehicular entrance to the farmyard would be utilised with the entrance increased in width by some 5 metres to the north-west. Visibility splays proposed are 2.4 metres x 37 metres to the south-east and 2.4 metres x 38 metres to the north-west.
- 1.14 The applicant is willing to accept a planning condition which restricts the delivery of feed and removal of eggs to daytime hours 07:00 to 20:00 hours Mondays to Saturdays with no deliveries of feed or egg removals to take place on Sundays and Bank Holidays.

- 1.15 The surface water is proposed to be directed to an attenuation pond and then released at an attenuated rate (no greater than the Greenfield run off rate) into the Hardwicke Brook. The attenuation pond would be to the south-east of the building between the rear of the building and Hardwicke Brook. It would be set at a level of 185.74m AOD. It is understood that given the building would be set at 186.25 AOD it would allow for a fall on the pipe feeding the attenuation pond.
- 1.16 The development would include a sealed dirty water system for containment of washout water. This tank would be emptied once at the end of each flock cycle by specialist contractors, using a 6-wheel rigid tanker.
- 1.17 The application is accompanied by a comprehensive and detailed landscaping scheme plan that involves:-
- 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.
- 1.18 The building would essentially be an enclosed metal sheeted building. The colour finishes would be:-
- Elevations / walls – Olive Green (matt finish); and
 - Roof, feed bins and roof vents – Merlin Grey (matt finish).
- 1.19 Originally it was proposed to use the existing estate water supply. However, it is now proposed to sink a new private borehole to supply water to the proposed development.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy

The policies that are considered to be of relevance to the consideration of this application are:

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS4 | - | Movement & Transportation |
| SS5 | - | Employment Provision |
| SS6 | - | Environmental Quality and Local Distinctiveness |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| E1 | - | Employment Provision |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Bio-diversity and Geo-diversity |
| LD3 | - | Green Infrastructure |
| SD3 | - | Sustainable Water management and Water Resources |
| SD4 | - | Waste Water Treatment and River Water Quality |
| RA6 | - | Rural Economy |

2.2 National Planning Policy Framework (NPPF)

Paragraphs 1-14 (inclusive) are considered to be of relevance.

Paragraph 17 is considered to be of relevance.

Section 1 entitled 'Building a strong, competitive economy' is considered to be of relevance.

Paragraph 32 is considered to be of relevance.

Section 11 entitled 'Conserving and enhancing the natural environment' is considered to be of relevance.

2.3 Clifford designated a neighbourhood area in March 2013. However, there has been little progress to date. It is understood that recently the group have started to look at producing an NDP, primarily in response to a number of applications in the Priory Wood area, however, there is no indication at this point of when a draft plan will be available.

2.4 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 161600 – Erection of a barn egg unit for fertile egg production – Withdrawn

3.2 Also of relevance is planning application:-

170836 – Translocation of a 49 metre section of hedgerow to improve easterly visibility splay from the C1208 onto the B4348 – Planning permission granted subject to conditions – Not implemented to date.

4. Consultation Summary

Statutory Consultations

4.1 Natural England state:-

"Thank you for your consultation on the above dated 02 November 2016.

4.1.1 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NO OBJECTION

4.1.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites – River Wye Special Area of Conservation

4.1.3 Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

4.1.4 To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- *The odour assessment provided by the applicant includes details of ammonia screening and concludes that the process contribution is below the relevant thresholds*
- *The Manure management plan which shows no spreading will be carried out near water courses.*

River Wye Site of Special Scientific Interest

4.1.5 Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Green Infrastructure for free range poultry

4.1.6 There is an opportunity to incorporate tree planting into the layout of the site which could be beneficial to the welfare of the egg-laying hens by providing tree cover, this could also help reduce nutrient load, parasitic contamination and also help prevent poaching. More information can be found in the Woodland Trusts guide to “Tree planting for free range poultry”.

Other advice

4.1.7 Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.”

and further state:-

4.1.8 “The advice provided in our previous response applies equally to amended plans and additional information submitted.

4.1.9 We do note the letter from the Applicants’ landlord, the Penoyre Trust, (dated the 14th March 2017) that states that they are content to provide a water supply to the new proposed building and that the supply will come from a spring source (for which the Penoyre Trust has a water abstraction license).

4.1.10 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.”

Internal Council Consultations

4.2 Transportation Manager – No objections subject to conditions & informatives.

4.3 Conservation Manager (Ecology) states:-

4.3.1 “In reviewing this application I note that: -

1. Total chicken numbers (14K hens and <1000 Cockerels) are less than the 40K bird threshold for requiring Environmental Permitting.

2. The Environment Agency does not regard emissions of ammonia/nitrogenous deposition as harming watercourses or their ecology.
 3. Detailed comments on potential ongoing particulates have been made by the Council's Air Quality team as part of their consultation.
 4. Natural England's comments dated 8th December stating "No Objection" and advising that "likely significant effect can be ruled out" regarding the River Wye Special Area of Conservation and that they also had "no objection" as regards the interest features of the River Wye Site of Special Scientific Interest.
 5. The Phase 1 ecological report by Craig Emms (dated March 2016) indicates that there is a very low likelihood of any relevant protected species being present and that there are no significant habitats present within the development site. There are no 'expiry dates' for ecological surveys and even where significant protected species have been identified and species licencing is required it is accepted by DEFRA/Natural England that surveys are valid for 18-24 Months.
 6. There are currently no significant biodiversity records within 2km of the site lodged with the Herefordshire Biodiversity Records Centre.
 7. Detailed comments on surface water management have been made by the Council's Land Drainage consultees.
 8. All foul water is to be contained on site and taken off site for disposal by a licensed waste disposal firm and so does not need to be considered as part of this application.
- 4.3.2 The supplied ecological survey by Craig Emms (dated March 2016) appears to be undertaken to relevant best practice and is appropriate and relevant to the location. The recommendations in the report should be included within a more detailed Construction Environmental Management Plan (CEMP) that I would request is included as a Condition should planning permission be granted.
- 4.3.3 The Hardwicke Brook corridor (approximately 6km hydrologically from the River Wye) running to the south of the proposed development should be protected from any disturbance, disruption or accidental pollution during construction – this should be detailed in the Construction Environmental Management Plan (CEMP).
- 4.3.4 Habitat Regulations Assessment – in order to achieve a "no likely significant effect" outcome as indicated by Natural England the potential effects of the immediate construction phase (air particulates, noise, pollution potential/water quality and ecological concerns/species) all need to be fully mitigated. I would request that this is achieved by requiring a detailed CEMP for all aspects of the development phase as a condition should planning permission be granted. This should include the required detailed methodologies to cover the possible presence of bats, nesting birds and other wildlife as relevant at the time of the construction as well as habitat protection.
- 4.3.5 It should be confirmed that the new building is at least 50m from the Brook (Local Wildlife Site) to avoid immediate ecological disturbance.
- 4.3.6 If any excavated construction soil is to be 'bunded' or spread between the construction site and the Hardwicke Brook then full details of how this will be fully stabilised to ensure that at no point any erosion or movement of material into the Brook can take place should be supplied either separately or as part of the CEMP.

4.3.7 The Natural England's comments; requirement of a detailed CEMP; foul water being processed professionally offsite, a manure spreading plan – avoiding any spreading near sensitive features or watercourses; the supplied odour assessment; and the stocking being below EPP thresholds have all been considered when reaching the conclusion through a Habitat Regulations Assessment screening that this development will have No 'likely significant effects' on the River Wye SAC/SSSI.

4.3.8 Biodiversity Enhancements – There appears to be no biodiversity enhancements currently associated with this proposed development. There is also a need to provide appropriate mitigation for the short length of 'poor' hedgerow that needs to be removed to create the new access to the proposed development. **I would request that under a relevant condition a detailed landscaping plan is drawn up** for approval that includes new hedge and tree planting, gapping up and strengthening of existing linear features and a series of wider biodiversity enhancements eg: new and enhanced bat roosting; new and enhanced bird nesting opportunities including consideration of site landscaping and management to encourage ground nesting species; amphibian and reptile hibernacula, home for hedgehogs and enhanced habitat and artificial 'homes' for pollinators and other invertebrates.

4.3.9 I note from the comments and objections already made that there may be a highway visibility need to move a length of hedge at 'Harewood Turn' junction on the B4352 to facilitate the transport access to the proposed development. If the hedgerow at this location is subject to change then a detailed ecological survey, including full details of the exact length and location of hedge implicated should be supplied to the planning authority for consideration and approval. This submission should include a detailed construction plan, planting details, establishment scheme and subsequent 10 year management plan for any translocation and/or replacement mitigation planting of hedgerow and the planting of "enhancement" new standard hedgerow trees."

and further states:-

4.3.10 "I have read and noted the revised plans and ecological information. I have no further comments other than the addition of the proposed silt trap can only additionally secure and mitigate any already negligible chance of the development ever impacting the ecological integrity of the Hardwicke Brook."

4.4 Conservation Manager (Landscape) originally (30.01.2017) stated:-

4.4.1 "The proposed development is for the construction of a poultry unit, the dimensions of which are as follows; 105.4m x 18.9m x with a ridge of height of 5.52m. A steel framed construction coated with profile sheeted on walls and roof the colouration to be agreed with the local planning authority.

- A proposal of this form and scale will inevitably result in adverse effects upon the landscape and visual amenity, determining the degree of landscape impact is therefore the determining factor as to whether a landscape objection will be raised.
- I have visited the site and walked the surrounding landscape on a number of occasions in relation to both this application and the earlier application (P161600/F) withdrawn in 2016. I have read the supporting documentation including the landscape appraisal dated (10/3/16) and have the following comments to make:

Landscape

4.4.2 There are no landscape designations upon or surrounding the site. The PROW CL74 crosses the field in which the proposal lies. The proposal lies within the landscape character type; Principal Timbered Farmlands described as *rolling lowland landscapes with occasional steep sided hills and low escarpments. They have a small scale wooded agricultural appearance and*

within the National Character Area Profile 99 Black Mountains and Golden Valley; *a border landscape with a strong sense of transition from the remote, wild, moorland mountaintops with a distinctly Welsh flavour in the west to the wide, fertile agricultural lands of the Golden Valley in the east, which evoke the cultivated intimacy of lowland England.*

4.4.3 The submitted landscape report does not assess the impact upon the landscape character of the site and its surroundings however the proposal will result in a number of effects as outlined below:

- Given the length of the building at 105 metres, its construction will necessitate cutting into the landform to provide a level platform, this will impact upon the undulations of the landscape and in turn will result in substantial amount of spoil which will need to be regraded across the land.
- Whilst it is noted that the proposal will be sited adjacent to existing farm units running parallel with them - which is the recommended approach - the size of the unit is significantly greater than the existing farm buildings, as shown in the drawing number HM/04 and will therefore protrude westwards a further 87m into the landscape. The introduction of built form of this industrial scale into the surrounding natural landscape will impact upon the rural character.
- In order to provide adequate access to the site a short section of hedgerow to the west of the existing entrance will require removal in order to facilitate the required visibility splay.
- Along the B4348 the visibility is currently obscured at the junction with the C1208 by both bank and hedgerow – whilst I am aware that a section of hedgerow has been coppiced in an attempt to improve the visibility, I understand from the highways engineer this in itself will not provide the required splay. It is understood that to achieve the requisite splay the removal of a section of bank and the translocation of a section of hedgerow approximately 60 metres in length would be required.

Visual Effects

4.4.4 The proposal sits on land at approximately 185m AOD. As stated within the landscape character description this landscape has a rolling form with occasional steep sided hills to the south which form an arc around the site. Crossing this elevated landscape are a number of public rights of way which link to popular trails including The Herefordshire Trail and the Wye Valley Walk and Offa's Dyke. Although the submitted landscape appraisal has not assessed all potential viewpoints from the public rights of way, having walked the majority of the footpaths and bridleways within a 1.5km radius of the site I am satisfied that I have established the extent of the main effects of the proposal:

4.4.5 Viewing the site of the proposal from the north there will be short relatively open views from both the minor road; C12 08 as the road descends to the site entrance, with further open views from the PROW CL74 which crosses the site of the proposal and the PROW CU27 which continues in the direction of the ancient monument; Mouse Castle.

4.4.6 From the arc of elevated land running south west to south east there are a number of views of the existing units from the numerous public rights of way including; CU16, CU25, CL18, 31, 35, and 38 as well as the minor road; Watery Lane.

4.4.7 As previously stated the site lies within the NCA 99 for the Black Mountains and Golden Valley and the transitional nature of this landscape from the mountainous to its neighbouring lowlands renders it sensitive to visual change and allows for parallels to be drawn with the application P161909/F at The Bage. However the key element to this landscape lies in its typology; Principal Timbered Farmlands, which is defined by its strong presence of tree cover in the guise

of woodlands, hedgerow trees and linear tree cover associated with the water courses. This wooded character serves to both limit and filter views within the wider landscape and leads me to conclude that (aside from the near view from the PROW CL74) when seen in the context of the existing units the visual effects alone are unlikely to be substantially adverse.

Conclusion

4.4.8 Having assessed both the impact upon the landscape character and visual amenity, it is my view that these combined impacts **will result in a potentially substantial adverse effect upon the landscape thereby conflicting with LD1 of the Core Strategy.**

4.4.9 Currently the potential for mitigation has not been explored and the applicant may wish to engage a landscape architect to explore this possibility. In my view there is scope to improve upon the proposed deposition of the soil – by spreading thinly across the site, as well as the introduction of a woodland block to the south and hedgerow trees. However I do have reservations as to whether the proposed removal of a section of bank and hedgerow could be mitigated to any real degree.”

4.4.10 Then commented (6/4/17) as follow on the amended / further documentation received in late March 2017 (including Landscape Proposals drawing number 1486.01):-

“I have seen the amended information requested by the planning officer following a site meeting with the applicant. I am satisfied with the landscaping proposed shown in drawing number 1486.01. Having now assessed the application in full, I am of the view that the combined landscape impacts of the proposal could have the potential to be substantial. However the landscaping plans do illustrate a substantial amount of planting which in my view goes some way to mitigate the impact. On balance I have concluded that the impact following the implementation of planting will not be of such a degree that it conflicts with policy LD1 of the Core Strategy. **The landscape objection is therefore withdrawn.**

4.4.11 In the light of the appeal decision APP/W1850/W/16/3162464, it may be helpful to point out at this juncture that whilst parallels may be drawn between the two proposals both lying within the Golden Valley and Black Mountains national character area, the sites and their immediate surroundings are fundamentally different in both character and degree of visibility and this is reflected within the differing landscape character types.”

4.4.12 Then, following a review of the representations submitted by a Landscape Consultant engaged by the Archenfield Campaign, a further visit to the surroundings and a review of previous comments stated (09.05.17):-

“I refer to the above planning application (P163327/F) and my earlier responses dated 30 January 2017 and my response dated 5th April 2017 in respect of the aforementioned application.

4.4.13 Following on from the submission of the document; A Review of the Landscape and Visual Issues on behalf of the Archenfield Campaign and in the light of the recent appeal decision in relation to Bage Court (APP/W1850/W/16/3162454) received on 29th March 2017. I have reconsidered my earlier comments in relation to this application. The submitted Landscape report (dated April 2017) has identified a number of isolated viewpoints. As a consequence I have carried out a further site visit on the 3rd May, revisiting footpaths and Common Land within the vicinity and reviewing my earlier assessment of the potential impact of the proposal. As stated in my earlier comments, both the particular character of this landscape in conjunction with the wide ranging nature of impacts has resulted in a development with a potentially complex set of landscape and visual effects, my findings are set out below:

Landscape Character

4.4.14 In terms of character the site of the proposal lies within Natural England's National Character Area (NCA 99) The Black Mountains and Golden Valley. The NCA summary states:-

The Black Mountains and Golden Valley National Character Area lies within the south west corner of Herefordshire. It is one of the most tranquil areas of England, with few settlements and relatively little new development or transport infrastructure.... A border landscape, it is bounded by the Welsh half of the Black Mountains and the Brecon Beacons to the west, the Wye Valley and Herefordshire lowlands to the north and east and River Monnow to the south. There is a strong sense of transition from the wild and remote beauty of the upland plateau to the cultivated intimacy of lowland England.

4.4.15 As the NCA area profile sets out; *managing increased pressure for new development in open exposed landscapes to ensure that landscape character is protected and enhanced is one of the key drivers within this landscape.*

4.4.16 It is possible at this character area level to draw parallels with the appeal site at Bage Court; both sites lie within the same NCA area profile and whilst undesignated landscapes the profile description of NCA99 clearly identifies the sensitive nature of the landscape and its vulnerability to change.

4.4.17 At a local level Whitehouse Farm sits within the landscape character type Principal Timbered Farmlands, these are defined as complex, intimate landscapes made up of small to medium sized fields, irregularly shaped woodlands with winding lanes and a dispersed pattern of roadside cottages and farmsteads.

4.4.18 *The key element of these landscapes is the strong unifying presence of tree cover in the guise of woodlands, hedgerow trees and linear tree cover associated with streams and watercourses.* (HC Landscape Character Assessment updated 2009)

4.4.19 Local footpaths situated on higher ground provide ample opportunity to take in this landscape pattern which has remained sparsely developed, with modest farmsteads surrounded by an organic field pattern and blocks of woodland.

4.4.20 It is perhaps helpful to point out that at this local level the landscape character of this site is fundamentally different to that of the aforementioned Bage Court; which lies within the local landscape character type; Principal Settled Farmlands. The appeal site is situated at the bottom of an open unwooded basin within the head of the valley, enclosed on either side by sharply rising landform.

4.4.21 In terms of the proposal, the unit will be sited parallel with a number of existing agricultural units of approximately 20m in length. 105m in length. The proposed building will therefore protrude some 87m beyond what is in existence. There is little in the way of context of this scale within the local landscape. There is therefore a clear discrepancy between what is in existence and what is proposed which has the potential to emphasise the significance in the scale of what is proposed. There is little in the way of context for this scale of building within the vicinity of the site, the only building in close proximity is the agricultural unit at Upper Broadmeadow Farm which is approximately 67m, partially open sided/ timber clad and still substantially smaller in scale than what is proposed.

4.4.22 In my view the scale of the proposal does not sit comfortably within this undulating landscape and this in conjunction with the uniformity of its design typical of a proposal of this nature in conjunction with its associated engineering works, will result in a proposal which will appear incongruous within the local landscape.

4.4.23 I appreciate that the submitted landscaping scheme attempts to reinforce the local landscape character by proposing additional tree planting in the land between Hardwicke Brook and the proposed building and I accept that this would reflect and to a degree enhance the landscape character. However, on balance and on further reflection I do not consider that this would outweigh the identified harm to the landscape character.

Visual impact

4.4.24 In respect of the potential visual effects of the proposal, there is an arc of higher ground extending along the southern edge of the proposal. Due to the wooded character of the area it has been necessary to undertake a number of site visits in order to establish conclusively the extent of the potential visual impact of the proposal. Upon reading the submitted Landscape report (April 2017) a further site visit conducted on the 3rd May, when weather conditions were clear, revealed a number of additional viewpoints.

4.4.25 My understanding of the visual effects are summarised below:

- In terms of the local road network views of the proposal will be possible for short sections of both the C1208 (the lane to the north of the site) as well as two short sections of Watery Lane (to the south). These are, in line with GLVIA 3rd edition, generally considered to be low to medium sensitivity receptors and I therefore accord less weight to the adverse effects from these locations.
- Users of Public Rights of Way are considered to be high sensitivity receptors and accordingly more weight would be given to adverse visual effects from these locations. There is an extensive network of footpaths within the area linking to popular trails such as Offa's Dyke, set within this high quality landscape.
- The PROW CL74 passes within a short distance of the proposal linking to the scheduled monument Mouse Castle. As the footpath descends past a small copse of trees there will be uninterrupted views of the full length of the proposal which I would consider to be substantially adverse, as shown in the photograph below.
- **PROW CL74 Whitehouse Farm**



- To the south of the site where the land rises forming an arc around the site. There are a number of middle distance views for short sections of a number of PROWs. These include; CU25 and CU16. The viewpoint from CU16 close to Upper Broadmeadow Farm is shown below.
- PROW CU16 Upper Broadmeadow Farm



- Moving in an easterly direction, further medium distance views are available along short sections of PROW CU28, CU29, CU35 and CU38. These views are considered highly sensitive but need to be balanced against the length of section of the footpath the proposal will be visible and the degree to which the proposal can be mitigated.
- Views of the proposal site from parts of Common Land at both Bullens Bank and Alt Common will be possible, as shown below. The visual effects in both of these have the potential to be substantially adverse. Whilst they are confined to smaller areas within the common land, the quality of the landscape is evident, the area is essentially untouched by development and I do not consider that mitigation would be fully successful in this instance.

- **Common Land CL_075 Bullen's Bank**



- **Common Land CL-074 Alt Common**



Mitigation

4.4.26 The applicant has submitted a landscape plan with woodland planting in the gap between the proposed unit and Hardwicke Brook as well as hedgerow tree planting and I have given this due consideration. Unlike the appeal site at Bage Court the landscape is distinctly wooded and views from certain locations are interrupted by vegetation. However having now visited all potential viewpoints I am not satisfied that the proposed planting can fully mitigate all visual effects.

Conclusion

4.4.27 As a consequence I conclude that on balance the combined landscape and visual effects of the proposal have the potential to be substantially adverse and therefore contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core strategy 2011-2031.

4.4.28 The evaluation of any potential impact of a proposal is a process which can in certain instances be a complex one. Any further information submitted must be given appropriate consideration and factored into the evaluation.

4.4.29 On weighing up the balance I have concluded that the combined landscape impacts and visual effects are now potentially of an unacceptable level, however I am aware that the planning officer must now weigh up the planning balance and make his recommendation accordingly. “

4.4.30 Then (30.06.17) following receipt of the amended landscaping proposals that form part of the scheme under consideration stated:-

“Thank you for consulting me on the amended landscape proposals (dated 15/6/17).

4.4.31 The additional planting proposed is welcomed. The native hedgerow and hedgerow trees (oak and field maple) will close the existing gap, reinstating this historic field boundary and thereby strengthening the landscape character.

4.4.32 The additional native hedgerow planting immediately north of the proposal, will also serve to reduce any adverse visual effects along the PROW CL74.

4.4.33 The amended landscape plans demonstrate that extensive effort has been made to mitigate the effects of the proposal, through additional planting of native hedgerow and hedgerow trees, as well as the introduction of woodland blocks.

4.4.34 Notwithstanding the above, even with the deployment of these mitigation techniques, **the overall likely significance of effects remains as 'major adverse', albeit reduced from the upper end of this band to the lower end.**”

4.5 The Public Rights of Way Manager makes the following comment:-

4.5.1 “Public footpath CL74 has been shown on plans, and will not be obstructed by the proposed building. The attenuation pond is closer to the path - it must be of sufficient capacity to ensure that the path never floods.”

4.5.2 And further state upon the amended documentation:-

“The excavated soil now appears to be spread over a greater area, possibly encroaching upon public footpath CL74. This is not a problem, providing the surface is reinstated to a suitable condition for walking. The path must otherwise remain unobstructed, and unaffected by any work that is carried out.”

4.6 The Environmental Health Manager states:-

4.6.1 "My comments with regard to this proposal are in relation to the potential noise or nuisance issues that might arise.

4.6.2 I have looked at the documents submitted by the applicants and the representations made. In my opinion it would be difficult to defend an appeal against refusal on grounds relating to odour, noise and nuisance.

Odour

4.6.3 The applicant has undertaken an odour dispersion modelling study and refers to the guidance specified in the 'Guidance on the assessment of odour for planning published by the Institute of Air Quality Management' as well as Environment Agency guidance H4 Odour Management.

4.6.4 The Environment Agency H4 Odour Management guidance classifies odours from intensive livestock as moderately offensive and sets a benchmark odour criteria of 3.0 ouE/m³. (European Odour Units per metre cubed) The modelling, which takes into account meteorological modelling finds that at the closest sensitive receptor that the maximum 98th percentile hourly mean odour concentration of odour would be 1.27 ouE/m³ and for the remainder of the receptors it would be 0.75 ouE/m³.

4.6.5 Effectively the most odour producing part of the application will be the once a year cleaning out of the poultry sheds. This is of limited duration and its occurrence on an annual basis would not be classified as a statutory nuisance under the Environmental Protection Act 1990.

4.6.6 On these grounds our department has no objections to this application on grounds of odour.

Noise

4.6.7 The noise report submitted assesses the impact of noise emanating from the 7 roof mounted duct ventilation fans and uses the prescribed methodology contained in BS4142 to assess the impact of the noise of the fans during daytime and night at the three closest sensitive receptors. The assessment measures the cumulative impact of all the fans in table B1. It would be helpful if:-

1) Clarification could be sought from the noise consultants that the anticipated specific sound levels during the day, evening and night time are the sum of the cumulative impact of the sound pressure levels of anticipated number of fans operating.

2) Details could be supplied on the proposed arrangements for siting and method of heating the barn in order for any noise implications to be assessed.

4.6.8 Assuming point 1) can be answered satisfactorily, the resulting assessment levels using the methodology prescribed will be less than the typical background sound levels indicating that the sound levels from the fans are unlikely to have an adverse impact.

4.6.9 No assessment has been made of the noise of vehicular movements to and from the site. However, the transport report indicates that during normal operation of the site 48 weeks a year, there would be one feed delivery and one egg removal a week; in other words 4 HGV movements a week which is not significant from a noise perspective.

4.6.10 To minimise the impact on neighbouring premises, I recommend a condition which restricts the delivery of feed and the removal of eggs to daytime hours 07:00 to 20:00 Monday to Saturday with no deliveries of feed or egg removal to take place on Sundays and Bank Holidays.

4.6.11 Lastly, I recommend that the feed bins on the proposed site be relocated to the other side of the proposal so that as to minimise the impact of feed noise entering the feed silos at Archenfield Cottage.

Air Quality

4.6.12 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.

4.6.13 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/PM2.5 concentrations.

4.6.14 I would therefore expect that a screening exercise should be undertaken in the first instance for PM10's. The screening assessment should have regard to the advice provided in the DEFRA, LAQM Technical Guidance 2016, Chapter 7, box 7.3. Where the screening criteria are exceeded then the calculation in Chapter 7 box 7.2 should be undertaken. Consideration should be given to assessing PM2.5 at this stage also.

4.6.15 It is not clear from the information supplied whether biomass boilers are going to form part of this development. If biomass boilers are to be installed then emissions from the biomass plant and the poultry houses should be considered together. Information on the details of the biomass plant should be submitted on the attached biomass form.

Contaminated Land

4.6.16 On the basis of the information submitted given the previous agricultural use of the land it would seem unreasonable to recommend a site investigation be carried out. As such I have no adverse comments to make.

Comments received in relation to the amended/further documents:-

4.6.17 "We have had sight of the additional documentation supplied by the applicant and objectors to this application and respond with regard to noise, odour, dust and nuisance issues only.

4.6.18 Manure management plan – no comments or observations.

4.6.19 Letter confirming the use of an existing spring water source supplied by the Penoyre Trust – the estimated use of water by the proposed development is to be 2 cubic metres of water a day which is not regarded as excessive and would not require an abstraction licence from the Environment Agency so we have no further comments to make with this regard.

4.6.20 Noise – we understand that our recommendation that the feed bins be re-sited has not been supported for landscape reasons and that the applicant has agreed to restrictions recommended for the delivery of feed and removal of eggs from the site. Although the filling of the feed bins can be noisy, the activity itself is of very limited duration and our department would not therefore consider this to be a statutory nuisance if undertaken within the time periods specified. With regard to the issue of cockerels crowing which is not addressed in the report, we can advise that an officer from our department has visited a very similar establishment at dawn to witness noise from cockerels crowing and did not find any discernible noise from this activity save for immediately adjacent and next to the building in question and not elsewhere in the vicinity due in part to the construction and insulation properties of the egg laying shed.

4.6.21 Air quality PM10 – The assessment provided has undertaken a calculation using the screening methodology used by DEFRA in its advice for Local Air Quality Management which indicates that there would be no significant risk of exceeding the national; 24 hr mean PM10, objective as a consequence of this proposal. Therefore this does not raise concern as regards local air quality.

4.6.22 I can confirm that I do not wish to raise any objection to this proposal on the above grounds.”

4.6.23 And further state on the proposal for a new borehole:-

“The water usage proposed is the broad equivalent of an extra 9-10 ordinary domestic properties. We cannot comment on the drain on the groundwater or aquifers that this would pose nor even be sure that the borehole would be drawing from the same aquifer or source. My concern with the applicant 's earlier submission was that when we looked at the water supply proposed the landlords appeared to be already over abstracting rather than having capacity within the maximum proposed by the abstraction licence hence the suggestion for a report. “

4.6.24 And further state:-

“ We are in receipt of the hydrogeological report supplied by the applicant in relation to the above application. I understand that the report was requested following concerns raised by persons in the immediate locality that a new borehole sunk by the applicant to serve the proposed egg fertilisation unit with a call on the water of just over 4000 litres a day (and once year 27,000 litres for clear-out) could impact on other water supplies in the area, particularly those supplied by local springs.

4.6.25 The report summarises local water resources currently used by the Penyore Trust and other data supplied by the local authority and discusses the local geological and hydrogeological setting.

4.6.26 The report advises that the Hill Supply springs belonging to the Penyore Trust are likely to be supplied by groundwater emerging from sandstone banks, the lowest spring is approximately 100m higher than the proposed borehole so that the borehole is unlikely to impact on these springs. Similarly the report identifies that the springs serving Broadmeadow or Cot Wood spring are also 100m above the proposed borehole.

4.6.27 The report advises that to sustain a borehole abstracting 4000 litres a day it would be reasonable to expect a zone of influence of only a few 10s of metres from the actual borehole. The Hill Supply and Broadwood or Cot sources are both at a considerable distance from the proposed borehole. The assessment advises that the spring flows are not considered to have a hydraulic connection with the proposed borehole.

4.6.28 Finally examining data supplied in relation to annual rainfall figures together with the likely catchment area around the borehole and estimated extent of annual recharge of rainwater received by the aquifer serving the borehole the report identifies that in an average year only a very small volume of aquifer is required to sustain the proposed abstraction rate from the borehole and this is not likely to impact on the borehole water supply at Harewood Farm.

4.6.29 Fundamentally the report concludes that the sinking of a new borehole at Whitehouse Farm is not considered to have adverse impacts to the Hill Supply springs nor Broadmeadow spring (Cot Wood supply) nor the Harewood Farm borehole supply used to supply the Penyore Estate properties.”

4.7 The Environment Agency state:-

“Thank you for sending through consultation on the Whitehouse Farm application (Ref: 163327) and, specifically, the Groundwater Abstraction Technical Note (JH Groundwater Ltd). We have not previously offered comment on the application as the proposed bird numbers fall under the threshold for requiring an Environmental Permit (EP). Looking through the submitted details, and representations, I note that the Technical Note has been provided following concerns raised around the proposed borehole in relation to an increase in water consumption in the surrounding area. As correctly stated in the submitted note, the proposed abstraction of 4m³/d falls below the threshold for requiring a licence from ourselves. A licence is not required for abstractions of 20 cubic metres or less a day, provided the abstraction is part of a single operation. Cumulative impact is considered when the same operator abstracts from the same source at multiple points. In excess of 20m³/d a licence application to abstract will consider the amount of water available in the catchment after the needs of the environment and existing abstractors are met.

<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

4.7.1 Whilst the report concludes that the proposed abstraction will not have an adverse impact upon the adjacent water supplies I would refer you to your Environmental Health team for further comment on the proposals and submitted Technical Note.”

4.8 The County Land Agent makes the following comments:-

“1/ The turning area is proposed to be crushed stone, this often proves to be inadequate in the long term, it is not easy to keep clean, possibly causing a bio security problem. It is easily cut up by lorries turning; of particular concern would be the feed lorry. I have yet to see a stoned area that did not rut and need tarmacking in the long term, therefore allowance needs to be made for the grey water from the probability that the area will need concreting in due course.

2/ Flies can be a major problem where the building is only cleaned out once a year, we need a copy of the protocol, so that if there are any complaints in the future the proposed control plan is clear and can be referred to if a problem arises in the future.

3/ The manure plan shows the slopes, the risk areas and the suitable areas for spreading, however there is no mention of the amounts it is proposed to spread on the various areas, what other stocking there is, is it just sheep or are there cattle too, are they housed and how does the grazing area comply with the spreading area in terms of the nitrogen and phosphate limits?

4/ What is the cropping policy on the farm, and how do the proposals fit in with the present farming system. How will the extra manure affect the policy and will some of the muck have to be exported to other farms, particularly bearing in mind the problem of phosphate levels in the Wye?”

4.8.1 and further states:-

“The point I make concerning the water requirements is that the hens and cocks need 270litres per 1000 birds per day, therefore the average will be approx. 4,050 litres per day (approx 4.05 cum) when they are in lay.(Source Poultry CRC) For clearing out it will be a minimum of 27 cu m. It does not come near the 20cu m / day needed for a licence.

4.8.2 I would strongly suggest that a water specialist is requested to report on the capability of the aquifer that the water is to be taken from to produce the required amount for all the users in that area in a dry time, and that the report is carefully checked and verified by a non-partisan source.”

4.9 Land Drainage Consultants in summary advise:-

“In principle we do not object to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant planning permission, we recommend that the following information is included within suitably worded planning conditions:-

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- A detailed dirty water drainage strategy showing how dirty water from the development will be disposed of.
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Details of any proposed outfall structures.
- Details of how surface water runoff from surrounding land will be conveyed around the development without increasing flood risk to people or property.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.”

5. Representations

5.1 Clifford Parish Council supports the application.

5.2 The National Farmers Union have written in support of the application as in their view it would safeguard rural jobs, diversify the local economy and contribute towards national goals for sustainable food production.

5.3 Eighteen representations of support have been received on the following summarised grounds:-

- the proposal would create employment (including over the construction period);
- the proposal represents farm diversification;
- the proposal ensures locally produced, traceable food that would also assist in reducing food miles;

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- the impact upon the landscape and highways would be minimal;
- the extra manure produced is far from a waste product but will produce a valuable sustainable resource which would reduce the need for manure to be purchased in to meet the nutrient requirements of the applicant's other agricultural activities; and
- the matter of odour is exaggerated and a single unit of the scale proposed is unlikely to create a problem.

5.4 Twenty three representations of objection have been received on the following summarised grounds:-

- The proposal would harm the character and appearance of the landscape due to the scale of the proposal and industrial design;
- The proposal would be visible from several residences, public rights of way and the Scheduled Ancient Monument of 'Mouse Castle';
- The proposal would harm ecology including Hardwicke Brook and the River Wye SAC;
- The proposal would create odour impacts especially to occupiers of dwellinghouses in the immediate vicinity;
- There would be a negative impact upon air quality and hence human health (lung capacity);
- The C1208 is of insufficient width;
- The local highway network, especially through Dorstone, is sub-standard;
- The proposal would harm tourism;
- Concerns re: property values;
- Concerns re: animal welfare;
- Concerns re: supply of water;
- Proposal would inevitably pollute Hardwicke Brook which is protected as part of the River Wye SAC;
- This is a particularly sensitive landscape and comparisons are drawn with the Bage appeal decisions; and
- The emerging Clifford NDP should address such matters

5.5 The objections referred to above have been amplified upon within representations made by the Marches Planning Consultancy which can be viewed in full upon the Council's website. In addition, a landscape objection has been submitted on behalf of the 'Archenfield Campaign' by a qualified Landscape Consultant.

5.6 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=163327&search=163327

5.7 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

6.1 Principle of Development

The application is for the provision of an agricultural development. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:-

"Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or

for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly."

- 6.2 It is generally accepted that rural areas / the countryside are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality is not adversely affected to an unacceptable degree.
- 6.3 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).

Landscape Impact

- 6.4 In my view, invariably the main issue in consideration of such applications tends to be landscape impact. When referring to landscape impact I am referring to both impact upon landscape character and visual impact.
- 6.5 The landscape hereabouts is gently rolling farmland that forms the setting to the Brecon Beacons National Park. It is a highly valued landscape.

Character

- 6.6 Herefordshire is a County which is not densely populated and can be described as a largely rural County with beautiful countryside. However, inevitably the value of the landscape within the County varies and in simple terms one inevitably grades the landscape in terms of their value. Herefordshire has two nationally designated landscapes within its administrative boundary (although they straddle other administrative areas); the Wye Valley Area of Outstanding Natural Beauty and the Malvern Hills Area of Outstanding Natural Beauty.
- 6.7 It is my view that the next most valued landscape is the Golden Valley and that area towards the Black Mountains. Within Natural England's National Character Area (NCA) 99 – the Black Mountains and Golden Valley is described as one of the most tranquil areas of England, with few settlements and relatively little new development or transport infrastructure. The NCA describes this area as follows:-

“ The Black Mountains and Golden Valley National Character Area (NCA) lies at the western edge of Herefordshire, at the boundary of the Brecon Beacons National Park. The Black Mountains extend into the NCA from the west, and this remote, wild upland edge country creates a sharp contrast with the neighbouring Herefordshire Lowlands to the east and the South Herefordshire Over Severn NCA to the south. It is a border landscape with a strong sense of transition from the remote, wild, mountaintops with a distinctly Welsh flavour in the west to the wide, fertile agricultural lands of the Golden Valley in the east, which evoke the cultivated intimacy of lowland England. The Black Mountains' rugged hill-top plateau can be seen from the Malvern Hills to the east and beyond, offering inspiration, a sense of space, peace and quiet enjoyment of nature.”

“Transition from agricultural lowlands in the east to high moorland ridge of the Black Mountains in the west, reflecting the underlying geodiversity. Arable fields and pastures in the valley, bounded by low hedgerows with few hedgerow trees, give way to irregular pastures with overgrown hedgerows and abundant hedgerow trees on the valley sides. Fields become larger and more regular, with lower hedgerows further up the slopes before boundaries stop at the open moorland.”

“One of the most undisturbed parts of England, with little transport infrastructure and no major roads. High levels of tranquillity can be experienced, particularly in the western uplands. Recreational opportunities including a section of the Offa’s Dyke Path National trail enables people to enjoy this landscape”.

- 6.8 The landscape hereabouts is of a high value.
- 6.9 The area in the vicinity of the application site comprises undulating farmland with a hedgerow network and blocks of woodland normally following water corridors. What is evident is that it is a sparsely developed area and when one views the surrounding landscape the built form tends to comprise of modest farmsteads with modest farm buildings centred or tightly knit around a modest farmhouse. There is one building in the area that clearly is of a larger scale and, in my view, out of character. That is a building at ‘Upper Broadmeadow Farm’ where there is a building with a length of some 67 metres in length. In mitigation it is at least partially open sided on its principal northern (front) elevation has timber within its elevational treatment.
- 6.10 The farmhouse at White House Farm is set in a depression in the landscape but the existing group of farm buildings are set on higher ground to the north-west. The land continues to rise to the north-west towards ‘Archer Cottage’. There is some vegetation provided by trees beside Hardwicke Brook but when one views the application site from higher ground to the south and east the site is exposed to view.
- 6.11 It is my view that the landscape character has high character and visual sensitivity.
- 6.12 It is my view that the proposed development by virtue of a combination of:-
- a) The degree to which the building, stone track and hard-surface 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 fact that the enclosed and utilitarian design, and facing materials, inevitably has an austere industrial appearance.

would, in combination, harm the prevailing character of the landscape hereabouts contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 6.13 I appreciate that the submitted landscaping scheme attempts to re-inforce landscape character by proposing additional planting, including in the gap between the Hardwicke Brook and the proposed building and that this would reflect and, to a degree enhance, landscape character. However, in my view this would not outweigh the harm to landscape character identified above.

Visual impact

- 6.14 Whilst the above analysis states that the harm is caused by a combination of factors, I think it is worth stressing that I consider the critical factor to be the degree to which the building protrudes further to the south-west than the existing neighbouring range of agricultural buildings.
- 6.15 This would be particularly stark and apparent from a number of viewpoints, especially:-
- Public Footpath CL34 north-east of ‘Upper Broadmeadow Farm’;
 - Public footpath CU16 south and south-west of ‘Upper Broadmeadow Farm’ (including west of ‘Coy Cae Wood’ where it meets the C1205);
 - Public footpath CU25 west of ‘Upper Broadmeadow Farm’ immediately to the north of the large modern agricultural building;
 - Public footpath CL28 immediately north of the C1208;
 - **Common Land** CL_075 known as ‘Bullen’s Bank’ west of ‘Bullen’s Bank Cottage’;
 - **Common Land** CL-074 ‘Alt Common’ including public bridleway CL35; and

- Public footpath CL38 immediately west of 'Alt Common'.

- 6.16 From all of these public vantage points the proposed development would be readily visible and, in my opinion, visually harmful. Whilst the proposed landscaping is recognised it would take a substantial time to mature and given that the majority of the views listed above are from materially higher land would fail to provide genuine screening from those vantage points. Furthermore it is my view that a development should be acceptable in its own right and that whilst landscaping may help to soften impact or provide enhancement, when one is reliant on landscaping to screen an otherwise unacceptable development, it is essentially inappropriate and such developments should be resisted.
- 6.17 As a consequence I also conclude that the proposal would be visually harmful contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.
- 6.18 The above objection regarding an adverse visual impact arises from medium-distance (0.5km – 3km) views from higher land to the south and east.
- 6.19 Notwithstanding the above, it is considered that the applicant has done everything possible to mitigate the visual impact of the scheme with a comprehensive landscaping scheme and careful choice of material colours. Whilst there would be a degree of visual harm from short distance vantage points, it is my view that these would be sufficiently mitigated by the proposed landscaping scheme. However, unfortunately it is considered that the adverse impact from the aforementioned medium distance vantage points cannot be sufficiently mitigated due to their elevated nature.
- 6.20 The agent for the applicant has suggested that due to the expanse of the panoramic view that such the building would not be that noticeable within such a landscape, unless one was consciously looking for it. Whilst I understand that argument the landscape hereabouts is essentially natural / green and the buildings set within it are invariably modest. It does not appear as a largely "settled landscape". In my opinion, a building of the scale proposed would be so out of character that invariably one's eye would be drawn to it.

Change of landscape view

- 6.21 Members will note that during the processing of this application there was a change in the view expressed by the Conservation Manager (Landscape) from objection (30/01/17) to no objection (6/4/17), only for an objection to again be expressed in the further views received on 09/05/17. The applicant has expressed his concern and disappointment with respect to this matter. An apology and full explanation has been provided to the applicant that I shall briefly summarise for Members benefit.
- 6.22 The planning application was accompanied by a 'Landscape Appraisal' prepared by ACD Environmental on behalf of the applicant. The Senior Landscape Officer undertook a visit to the area and, to a degree, relied on the Landscape Appraisal' prepared by ACD Environmental' that identified viewpoints. However, on receipt (20/04/17) of an objection from a Landscape Consultant engaged by the 'Archenfield Group' that identified other significant viewpoints not previously identified by ACD Environmental and provided a thorough analysis of landscape character the Senior Landscape Officer considered that objection (including re-visiting the surroundings) and formed a further view.
- 6.23 Planning is to a degree an iterative process and representations from third parties (often with significant local knowledge) and consultants acting on their behalf can provide a useful input to the process. Whilst I understand the frustration of the applicant, I support Officers who are willing to re-visit and re-consider previously expressed views in the light of further information/representations (whoever those submissions are from).

- 6.24 It is critical that in determining this application Members consider the merits of the case as opposed to the matters relating to its administration. The decision-maker must concentrate on the Planning merits of the case.

Highways/Transportation

- 6.25 The description above details the number and type of vehicle movements that the proposed development would generate.
- 6.26 I consider that it is worth noting that on a “normal week” the proposal would generate 2 lorry trips (4 movements – 2 in and 2 out). From my perspective this is a very low number of movements. It is acknowledged that the C1208 is limited in width with few places that a lorry and car may pass. However, it is a lightly trafficked road, there is no evidence of high speeds and the propensity for vehicles to meet is low. I am also conscious that almost any modern day agricultural practice generates movements by large vehicles / equipment. It is appreciated that once a year at the end of the 48 week cycle there would be larger movements associated with the collection and delivery of birds but this would be limited to 2 trips (4 movements) of birds being collected and 2 trips (4 movements) of birds being delivered. However, during this four week turn around time there would not be any egg delivery and feed delivery movements. It is considered that the additional and type of traffic generated along the C1208 would not have a severe impact prejudicing highway safety.
- 6.27 Where the C1208 meet the B4348 visibility to the north-east is currently sub-standard. Whilst visibility for vehicles is acceptable at certain times of the year, when the hedgerow is heavily vegetated visibility is obstructed to a degree. Visibility for cars is certainly obstructed. However, the landowners who control that land have obtained planning permission to translocate the offending part of the hedgerow to ensure that the requisite splay is provided. If Members were minded to grant planning permission a “Grampian condition” could be attached securing this visibility splay. Visibility to the south-west is acceptable.
- 6.28 The wider highway network is considered to be adequate to cater with the additional and type of traffic generated. Proportionally upon the wider network the number of vehicle movements generated by this development would be very low. It is worth noting that in relation to a single poultry related development at ‘Bage Court’ the Council were unsuccessful in their argument that the highway network was inadequate and that highway safety would be unduly prejudiced (with specific reference to “*the Dorstone bends*” along the B4348), although the Council successfully argued the landscape case.
- 6.29 It is therefore considered that the proposed development would not have a severe impact prejudicing highway safety and that the proposal does not conflict with policies SS4, RA6 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

Ecology/Bio-Diversity

- 6.30 A Phase 1 ecological assessment has been carried out that indicates that there is a very low likelihood of any protected species being present. There is currently no significant bio-diversity records within 2km of the site lodged with the Herefordshire Bio-diversity Records Centre.
- 6.31 For the avoidance of doubt as previously explained all dirty water would be contained on site and taken off-site by a licensed waste disposal firm.
- 6.32 For the avoidance of doubt the Environment Agency does not regard emission of ammonia/nitrogenous deposition as harming water courses.

- 6.33 Natural England do not object and state that “likely significant effect can be ruled out” regarding the River Wye Special Area of Conservation and that they also have “no objection” as regards the interest features of the River Wye Site of Special Scientific Interest.
- 6.34 If there is any risk to ecology / bio-diversity it would be to the Hardwicke Brook corridor during the construction phase. Hardwicke Brook is a Special Wildlife site. Normally one would seek a 50 metre buffer to any development. In this instance the gap is some 42.5 metres. The issue is what risks are presented? In my view there are two risks:-
- a) Dirty Water arising from the building during the operational phase; and
 - b) The creation of silt-laden run-off during the construction phase of the project.
- 6.35 With respect dirty water, appropriate fail-safes would be in place to prevent contamination of the brook from the operational phase by virtue of the fact that the building would effectively be sealed to prevent leakage and the building will be drained to a dirty water tank which is certified under the SSAFO Regulations Water Resources (Control of Pollution) (Silage, Slurry and agricultural Fuel Oil) (England) Regulations 2010.
- 6.36 In my mind the potential for silt-laden run-off during the construction phase is the only issue that causes potential impact on the Hardwicke Brook Local Wildlife Site (LWS). The LWS lies down slope of the proposed development and hence, the potential for silt-laden run-off exists (whether the building was in its current location or indeed beyond the recommended 50 metre buffer). The ecologist for the applicant is recommending that to ensure the integrity of the Hardwicke Brook LWS a silt-trap is provided during the construction phase.
- 6.37 It is for that reason that if I were minded to recommend the granting of permission, I would recommend attaching a condition securing a Construction Environmental Management Plan (CEMP). This would need to include the provision of the aforementioned silt trap.
- 6.38 Objectors and their agent(s) to such poultry related applications consistently raise the issue as to manure management and the potential impacts. However, in the appeal decision regarding Bage Court (APP/W1850/W/16/3162464) the Inspector stated in paragraph 28 that:- “It should also be noted that manure management is subject to separate legislative control.” My own view on the matter is that all the Planning system should be concerned about is whether the host farm has sufficient capacity to accommodate all of the manure generated by the proposed development (in-shed manure and manure within the external range area (*if there is one*)) together with that generated by the existing agricultural activities on the farm such that there would be no requirement to export manure from the site, whilst complying with all the Government Regulations and advice with respect agricultural land management (e.g. *Nitrate Pollution Prevention Regulations 2015, Water resources (Control of Pollution) (Silage, Slurry and agricultural Fuel oil) (England) Regulations 2010 (SSAFO), Cross Compliance (The Guide to Cross Compliance 2017), The Government’s Statutory Code of Good Agricultural Practice Protecting our Water, Soil and air, The industry good practice guidance entitled ‘Think manures’ and ‘Tried & Tested Nutrient Management Plan’*).
- 6.39 It appears to me that if the land does not have sufficient capacity there would essentially be two possible outcomes:-
- a) There would be a need for more vehicular movements on the wider network by transporting manure off-farm; and / or
 - b) The land would be “overloaded” with manure thus creating undue environmental risks that the aforementioned Government Regulations and advice seeks to avoid.
- 6.40 In this case a Manure Management Plan has been submitted that demonstrates that there is sufficient capacity at ‘Whitehouse Farm’ and no evidence to the contrary has been submitted by the objectors.

- 6.41 I therefore conclude that the proposal would not harm ecology / bio-diversity and as such is not in conflict with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.
- 6.42 I would add that I am concerned as to the increasing propensity of those objecting to poultry units to consider that if a matter is not seemingly covered by other legislation that it somehow automatically becomes a Planning matter. Firstly, the Government does not choose to legislate / control everything. They may issue guidance or voluntary codes and assume compliance. One example is concern relating to agricultural activities resulting in diffuse pollution of water, with a focus on phosphorus. As I see it at present, the Government has no legislation in that respect (although there is guidance to farmers). They clearly are considering legislation as in September 2015 the Government via the Department for Environment Food & Rural Affairs (DEFRA) published a document entitled 'Consultation on new basic rules for farmers to tackle diffuse pollution from agriculture in England'. To date there has not, to the best of my knowledge, been any further movement to legislation. It is noteworthy that this guidance arose from DEFRA as opposed to the Department for Communities and Local Government (that issues documents relating to Planning); suggesting that the Government does not regard this as a Planning matter.

Odour

- 6.43 The application is accompanied by an odour dispersion modelling study and refers to the 'Guidance on the assessment of odour for planning' published by the Institute of Air Quality Management as well as the Environment Agency guidance H4 Odour Management.
- 6.44 The Environment Agency H4 Odour Management guidance classifies odours from intensive livestock as moderately offensive and sets a benchmark odour criteria of 3.0 ouE/m³ (European Odour Units per metre cubed). The modelling, which takes into account meteorological modelling finds that the closest receptor ('Archenfield Cottage') would only experience a maximum 98th percentile hourly mean odour concentration of 1.27 ou/Em³. Other receptors would experience a significantly lower level.
- 6.45 Therefore I am satisfied that the occupiers of Archenfield Cottage together with other occupiers of other dwellinghouses in the vicinity would not suffer an undue loss of amenity by way of odour. As a consequence I conclude that there would not be conflict with policies SS6 and SD1 as far as they relate to the impact of odour upon residential amenity.

Noise

- 6.46 The Environmental Health Officers have carefully considered the matter of noise and have visited another similar facility to experience cockerels crowing. They are satisfied that this would not cause an undue loss of amenity to occupiers of residential properties in the vicinity. They have stated that the filling of feed bins, an occasional and brief activity, can create a degree of noise but do not consider that this would cause an undue loss of amenity. At one stage during the processing of the application they did suggest that one may consider re-siting the feed bin to the north-western side of the building but, in my opinion, this would have had a greater landscape impact. In the event of Members being minded to grant planning permission the applicant has expressed a willingness to accept a planning condition stating:-

"The delivery of feed and the removal of eggs shall not take place outside the hours of 07:00 hours to 20:00 hours Mondays to Saturdays (inclusive) with no deliveries or egg removal to take place on Sundays and Bank Holidays"

- 6.47 The application was accompanied by a 'Plant Noise Assessment'. The Environmental Health section is satisfied that no undue loss of amenity would arise from noise arising from plant (the ventilation fans).

- 6.48 As a consequence I conclude that there would not be conflict with policies SS6 and SD1 as far as they relate to the impact of noise upon residential amenity.

Air Quality

- 6.49 A calculation has been undertaken using the screening methodology used by DEFRA in its advice for Local Air Quality Management which indicates that there would be no significant risk of exceeding the national 24 hr mean PM10 objective as a consequence of this proposal. As a consequence the proposal does not conflict with policy SS6 of the Herefordshire Local Plan Core Strategy 2011-2031 as regards the issue of Air Quality.

Archaeology/Historic Environment

- 6.50 It is considered by the County Archaeologist that there would not be any adverse impact upon the setting of Mouse Castle which is over 1 km from the site. Inter-visibility is minimal. In fact, on my visit to the surroundings I could not see the application site from 'Mouse Castle'.

Flood Risk/Land Drainage

- 6.51 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.

Water Supply

- 6.52 Originally it was proposed to use the existing estate water supply. This created considerable concern amongst owner(s) / occupier(s) of other properties within the estate concerned as to whether this would unduly prejudice the supply of water. This led to detailed consideration of this matter resulting in the proposal being changed to the provision of a new private borehole. A Hydrogeological Consultant was engaged by the applicant who produced a report concluding that:-

"The proposed water supply for White House Farm is therefore not considered to result in adverse impacts to Hill Supply springs, Broadmeadow spring (Cot Wood supply) or the Harewood Farm borehole"

- 6.53 That report has been reviewed by Officers who agree with its findings.

Other Matters

- 6.54 The County Land Agent raised concern as to the crushed stone area at the north-eastern end of the building where vehicles would manoeuvre becoming rutted. The agent for the applicant, however, states that:-

"We are unaware of any poultry unit that utilises a concrete apron for the entirety of its turning area; this would be an unnecessary added expense. We have never had any reported issues with any of the sites we have been involved with, all of which use a similar design for the turning area."

- 6.55 From my perspective I do not regard this as a critical issue as if a problem does arise the applicant could approach the Local Planning Authority with proposals for different surfacing this area together with arrangements for the disposal of surface water.

Economic/Social

- 6.56 The proposed development would assist in food production and security, which is important socially and economically in Herefordshire and the country as a whole. There would also be some benefit to the applicants, assisting with maintaining the farm as a business in the future. However, I am aware that in essence such a development only provides the equivalent of one job on-site. For such a large building the employment density is very low indeed.
- 6.57 I am aware that the proposal would support construction and other supply chain industries. However, there is nothing of substance before me to the effect that the same social and economic benefits could not be reaped from a similar facility erected elsewhere in the County (in a less sensitive landscape) where it would not cause such a degree of harm.

Planning Balance

- 6.58 Given the above, whilst I recognise the economic benefits of the proposal, they do not outweigh the harm to the character and appearance of the landscape that I have identified.
- 6.59 I accept that the National Planning Policy Framework promotes economic development indicating that significant weight should be placed on the need to support economic growth through the planning system. However, it sets this within the presumption in favour of sustainable development seeking economic, social and environmental gains, and indicating that they are mutually dependent. As explained earlier I have concluded that there would be economic and social gains but these would be at the expense of the environment as the proposal would harm the character and appearance of the landscape. In terms of the balance I am conscious that the Conservation Manager (Landscape) considers the significance of effects to be "major adverse" (albeit at the lower end of this band). The proposal would not, therefore, comply with the overarching aims of the Framework and it would not constitute sustainable development.

RECOMMENDATION

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.

INFORMATIVES

1. For the avoidance of doubt the plans to which this decision relate are:-

- Amended Topographical Plan (Scale 1:500) received 20.03.2017;
- 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; and
- Amended Landscaping Proposals – Drawing number 1486.01 Rev. B (scale 1:500) @ A1 received 15.06.2017.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible

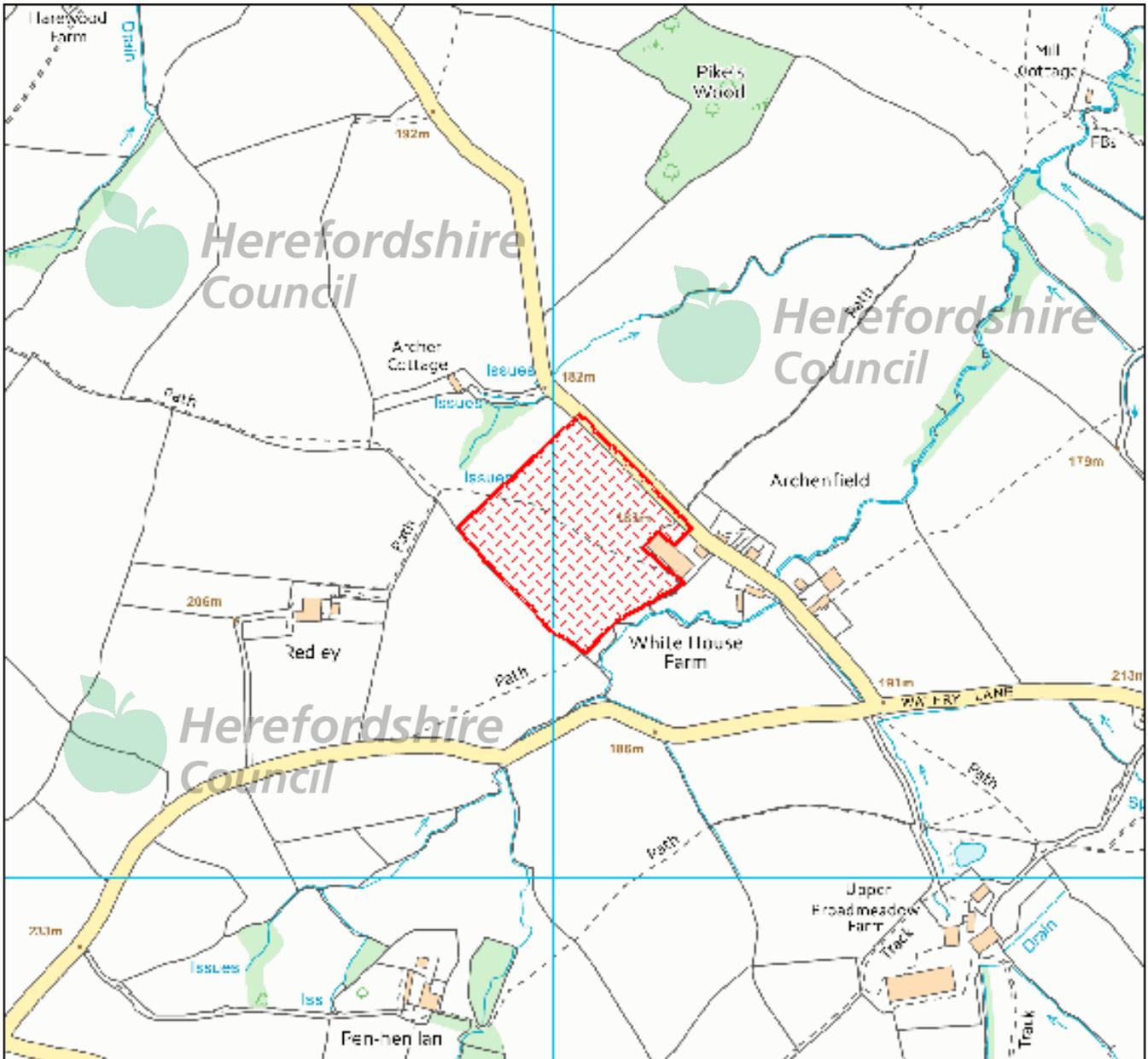
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 163327

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr Roland Close on 01432 261803