

**Economy, Communities and Corporate Directorate**

Director: Geoff Hughes

Mr Griffin  
Brian Griffin Planning & Countryside Consultants  
Ltd.  
The Cottage  
Green Bottom  
Littledean  
GL14 3LH

Our Ref: 163864/CE  
Please ask for: Mr A Banks  
Direct Line / Extension: 01432 383085  
E-mail: [abanks@herefordshire.gov.uk](mailto:abanks@herefordshire.gov.uk)

20 January 2017

Dear Mr Griffin

**SITE:** Land at Stag Batch House, Stagbatch, Leominster, Herefordshire,  
**DESCRIPTION:** Pre-application advice for proposed table chicken unit & associated work.  
**APPLICATION NO:** 163864/CE  
**APPLICATION TYPE:** Pre App Advice

I refer to your pre-application advice request received on 28 November 2016.

As you are aware, I am familiar with the site, having visited to assess a similar proposal in March 2015. I note that this proposal is materially different from that previously considered as it is for two broiler units, as opposed to turkey sheds, and the buildings have been re-orientated; now being in a north / south plane as opposed to east / west. Notwithstanding, many of the issues will be the same and I will consider each in turn.

The proximity of the site to Leominster is, in my view, the most significant issue. I have consulted the Council's Environmental Health Officer and she has expressed significant reservations on the basis that the development could cause potential nuisance issues for nearby residential properties. In particular she is concerned about odours, flies and noise which might arise from the development and at this stage feels that she is likely to object to the scheme that you have proposed due to the detrimental impacts that it is likely to have on residential amenity.

Should an application be submitted it must be accompanied by a detailed odour assessment and a robust management plan to show how the site would be managed, having specific regard to such matters as the prevention of odour nuisance, the management of manure and effluent, ventilation and cleaning arrangements, control of pests and flies and the documented monitoring and maintenance of checks to support the management plan. It will be for you to demonstrate that the concerns raised by the Environmental Health Officer at this stage can be mitigated and that the proposed development would not have an adverse detrimental impact upon residential properties.

## **Drainage and Flood Risk**

### **Flooding**

As the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

The site falls within Flood Zone 1 which is less vulnerable to flooding from fluvial sources. The FRA should therefore focus on flood risks from other sources, such as surface water, and the management of the additional surface water runoff generated by the proposed development. You should also give consideration to any minor watercourses that could pose flood risk to the development as well as anecdotal evidence.

Any application should include a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Where possible, betterment over existing conditions should be promoted. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. The Council does not consult the EA on pre-application enquiries. They provide their own service and you may wish to contact them separately to seek their advice.

### **Surface Water Drainage**

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council). The Applicant should consult with the relevant authority to agree discharge rates from the site.

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference):

- (i) a controlled discharge to a local watercourse, or
- (ii) a controlled discharge into the public sewer network (depending on availability and capacity).

The rate and volume of discharge should strive to provide betterment to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. The assessment of pre and post-development runoff rates should consider a range of storm durations to determine those which are critical for the site and receiving watercourse or sewer and demonstrate sufficient storage has been provided. Allowances for climate change would not typically be included in the calculation of existing discharge rates.

The Cranfield University Soils Map identifies the soils within the proposed development area to be freely draining, thus the use of infiltration techniques may be a viable option for managing surface water. It must be noted that 'clayey floodplain soils with naturally high groundwater' are within close proximity to the site. If the Applicant proposes soakaways, it must be noted that the groundwater level must be determined and must be a minimum of 1m below the base of the soakaway.

On-site testing undertaken in accordance with BRE365 should be undertaken prior to construction to confirm that the use of infiltration techniques are viable or to confirm that the use of infiltration techniques are not viable. If infiltration rates are considered to be too low, an alternative drainage strategy must be submitted to the Council for review and approval prior to construction. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

If the use of soakaways are proposed, it must be noted that soakaways should be designed for a minimum 1 in 10 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m about groundwater levels, and must have a half drain time of no greater than 24 hours.

Consideration should also be given to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential for a development of this size, but 'Pollution Prevention Guidance: Use and design of oil separators in surface water drainage systems: PPG 3' provides guidance on the necessity and application of oil separators should one be required.

#### Foul Water Drainage

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

It is noted that it is proposed to discharge foul waste to two dirty water tanks. Any submission should confirm the maintenance regime for these.

#### Ecology

The development proposal would require a full ecological assessment to be submitted with a future application. The National Planning Policy Framework 2012 states that;

*"The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible".*

It goes on to state that *"when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity"* and *"opportunities to incorporate biodiversity in and around developments should be encouraged"*.

Your client will need to commission an ecological survey to establish the potential impacts on habitats and protected species that may be present. As protected species are a 'material consideration', Herefordshire Council cannot determine an application of this nature until all the survey, mitigation and compensation information is received. The Council will also expect the applicant to include opportunities for biodiversity enhancement. Please note that information pertaining to the presence and location of badgers must be submitted as a supplementary report and marked as confidential. Information regarding badgers will not be published.

With regard to nearby sites designated for nature conservation, the ecological report should assess the impact of the proposals on nearby special wildlife sites, traditional orchards (which are priority habitats) and SSSIs. The report should conform with the standard defined by BS 42020:2013 Biodiversity: Code of practice for planning and development standards. The proposed development lies within the catchment of the R. Lugg which connects to the R. Wye Special Area of Conservation (SAC). There will need to be enough information provided for the LPA to carry out a Habitats Regulations Screening Assessment. The report should refer to emissions and management of water (foul and surface rain water) and the mitigation measures to ensure that the watercourse and the SAC will not be affected in any way by foul drainage from the development.

## Heritage Impact

The site lies to the north of a complex of existing buildings that comprise Stagbatch House Farm. The farmhouse is Grade II listed and a number of other listed buildings, entirely independent from the farm, lie roughly to the west.

Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; ‘The more important the asset, the greater the weight should be.’ Paragraph 133 then goes on to say that;

*‘Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*

Paragraph 134 is a more typically restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. It has been established through case law that the second limb; identifying public benefits, should go first, and that these should be weighed against the harms that might be caused.

In this case I am of the view that the test outlined by paragraph 134 is applicable. There may be some effects upon the setting of listed buildings; particularly the group lying to the west and south west of

the site. The impact on your clients property at Stagbatch House will, in my view, be much less as it is separated from the site by existing agricultural buildings that define its setting. The introduction of additional buildings will have no demonstrable effect on this.

Any application should be accompanied by a Heritage Statement to take proper account

### **Landscape Impact**

The site lies within an area of open countryside which is defined by the Council's Landscape Character Assessment as being Principal Settled Farmlands but is approximately 750 metres from the residential environs of Leominster.

The advice previously given was that the proposed buildings were unlikely to be visible from private dwellings due to the topography of the surrounding area, but that there were number of public vantage points from which development would be seen. Footpaths ZC14 and ZC15 are located to the north and east of the site respectively. It is also likely that any development would be visible in the middle distance from footpaths ZC12 and ZC13 which are further to the north, and from the B4529 and B4360. It is also possible that longer distance views will also be achieved from locations lying further to the north and west.

The amended proposal will still be visible from all of these vantage points and I remain of the opinion that an application should be supported by a Landscape and Visual Impact Assessment. This should not only make an assessment of the impacts of the development, but should also demonstrate how these can be mitigated. There are a number of trees that bound the site to the south. These will provide an important backdrop to any development and must be protected through the course of development. Their Root Protection Areas (RPA's) should be established and you should ensure that development does not encroach into these areas. Existing hedgerows to the north and east should also be retained and enhanced in order to filter views of any development.

This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application.

### **Noise and Odour**

An odour dispersion modelling report has been supplied which shows that at the maximum 98th percentile hourly mean odour concentration are all, save for Stagbatch House within the maximum annual hourly mean odour concentration of 3 ouE/m<sup>3</sup>, which is recognised as being within the Environment Agency benchmark for moderately offensive odours. Stagbatch House is subject to a slightly elevated concentration but it is part of the farm establishment, as I believe are the other two closest sensitive receptors. It would be helpful to clarify the ownership of the Snowdale Cottages as I believe that they are unrelated to the farm and are in separate ownership. However, based on the findings of the odour modelling, it would appear that the proposal is acceptable on grounds of odour.

You have also supplied a noise assessment which has considered the impact of vehicular movement and fan noise associated with this proposal. The assessment examines noise impacts day and night at 3 locations from vehicular movement – diesel and electric fork lift truck and HGV. Emanating noise levels against the background sound level are not found to have an adverse impact in the day time, although electric fork lift trucks are considerably quieter and I would encourage their use. At night time, when background sound levels are extremely low, the assessment finds a higher rating level but there

is sufficient mitigation by way of attenuation to be achieved within a dwelling with an open window for the vehicular movement to be of marginal impact.

The fan noise assessment examines fan noise throughout the daytime, evening and night time again at 3 sensitive receptors. The assessment finds that in accordance with the guidance contained in BS4142 the impact from fans without attenuation will be marginal and with attenuation low. This is in a context of the very low background sound levels. I would encourage the installation of attenuation measures at poultry shed 1 (as per page 2 of the noise impact assessment) due to its closer proximity to unrelated dwellings. However ultimately the absolute noise levels of the extract fans are not high and perceptually they would be noticeable and not intrusive resulting in a 'No Observed Adverse Effect level' according to DCLG guidance for which no specific measures are required.

## **Conclusion**

If you decide to submit a planning application it will be for you to demonstrate that the impacts of the development can be mitigated. The advice given above outlines the areas on which mitigation should focus. Due to the number of birds to be accommodated by the development it will constitute EIA Development under Schedule 1 of the EIA Regulations and as such an Environmental Statement will be required. Notwithstanding this I have included a list of documents below that I would expect to see as part of any submission, the majority of which I have referred to above. There may of course be other documents that you may wish to submit in support of any application:

Planning Statement  
Design and Access Statement  
Transport Statement  
Flood Risk Assessment (to include a Drainage Strategy)  
Landscape and Visual Impact Assessment  
Ecology Survey  
Heritage Statement  
Odour Assessment  
Noise Assessment  
Litter Management Plan  
Topographical Survey

I trust that this is of some assistance

Yours sincerely,



**MR A BANKS**  
**PRINCIPAL PLANNING OFFICER**

**Please note**

### ***Environmental Information Regulations***

*Please note that pre-application advice is subject to the Environmental Information Regulations, which means that members of the public can make requests to see the recorded information we hold on pre-application matters.*

*Although there are various exceptions within the legislation that might prevent release of information, all these have to be seen against the 'public interest' test. This means that the Council may refuse to disclose information only if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in releasing the information.*

*If there are any reasons why you consider that the information should not be made public in accordance with the exceptions set out in the Regulations, for example, where there are issues of commercial sensitivity, please outline them below. We will usually consult you further if a request is made involving information giving to you as pre-application advice, as the situation may have changed by the time a request is received. Herefordshire Council reserves the right to release the information where appropriate in accordance with the requirements of the legislation.*