

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 JANUARY 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>132192/F - CHANGE OF USE OF REDUNDANT FARM BUILDINGS INTO 3 RESIDENTIAL COTTAGES TO BE USED AS HOLIDAY LETS. ERECTION OF 5 DEMOUNTABLE GEO DOMES (OR SHEPHERDS HUTS). PURPOSE BUILT SHOWER/W.C. ADJACENT TO FARM BUILDINGS (TO REPLACE SOON TO BE DEMOLISHED NEW BUILD STABLE BLOCK). COMMUNAL LOUNGE/DINING AND KITCHEN FOR GEODOME GUESTS IN EXISTING BUILDINGS. AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</b></p> <p><b>For: Mrs Smolas per Mrs Kesri Smolas, Llanerch Y Coed, Dorstone, Hereford, Herefordshire HR3 6AG</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132192">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132192</a>

**Date Received: 8 August 2013**

**Ward: Golden Valley  
North**

**Grid Ref: 327448,242597**

**Expiry Date: 29 November 2013**

Local Member: Councillor PD Price

**1. Site Description and Proposal**

- 1.1 The site is an isolated farmstead in a remote and sensitive landscape. The site is some distance from the nearest designated settlement, Dorstone, which is 3.3 miles away to the east and accessed via a local road network of single width country lanes. Hay on Wye is 3.1 miles away to the west. The landscape character type is Ancient Timbered Farmlands and adjacent to High moors and Commons. Both of these are high quality and highly sensitive to change. The area contains some of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover.
- 1.2 The site comprises a farm holding which includes an agricultural field and a number of unlisted stone agricultural buildings which are arranged around a farm yard area comprising existing hardstanding area and feature the unlisted farmhouse adjoining that yard. Access is gained from an unclassified no through road which is also a bridleway. The access along with the site adjoins Ancient Woodland, common land and Little Mountain Local Nature Reserve. Protected species and a Site of Special Scientific Interest are also within the area.

- 1.3 The proposal is the change of use of redundant farm buildings to create three holiday let cottages, one bed and breakfast letting room and an events facility for corporate training events, the erection of five demountable geodomes within farm land for holiday and events letting, erection of a wc/shower building, communal facilities and a car park.
- 1.4 The training events facility will utilise the linked associated accommodation, this accommodation will be used as holiday lets when there are no training events. Accommodation through the conversions and geodomes allows 13 people to stay on site. The geodomes are for use between April – September. Outside of these dates they will be taken down and placed in storage with only the raised platform remaining. Outside those dates accommodation on site is limited to the converted agricultural buildings included in this proposal. A maximum number of 13 people will use and stay in the accommodation at any one time.

## 2. Policies

### 2.1 Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
RA3	-	Herefordshire Countryside
RA5	-	Re-use of Rural Buildings
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E4	-	Tourism
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and historic heritage
S8	-	Recreation, sport and tourism
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
DR14	-	Lighting
E11	-	Employment in the smaller settlements and open countryside
E12	-	Farm diversification
T6	-	Walking

T8	–	Road hierarchy
T13	–	Travel plans
LA2	–	Landscape character and areas least resilient to change
LA5	–	Protection of trees, woodlands and hedgerows
LA6	–	Landscaping schemes
NC1	–	Biodiversity and development
NC4	–	Sites of local importance
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	–	Habitat creation, restoration and enhancement
NC9	–	Management of features of the landscape important for fauna and flora
HBA8	–	Locally important buildings
HBA12	–	Re-use of rural buildings
RST1	–	Recreation, sport and tourism development
RST6	–	Countryside access
RST12	–	Visitor accommodation
RST13	–	Rural and farm tourism development
RST14	–	Static caravans, chalets and touring caravan sites
CF2	–	Foul drainage
CF5	–	New community facilities

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### 3. Planning History

- 3.1 130461/F - Change of use of farm buildings to create 3 letting holiday cottages, 1 B&B letting room and an events venue facility. Erection of 5 demountable geo domes for holiday/events letting use, with wc/shower facilities in a new building and communal facilities in one farm building – Refused 24 April 2013
- 3.2 S122922/F - Change of use of farm buildings to create 4 no. letting holiday cottages, 2 no. B&B letting rooms and an events venue for corporate staff training, weddings etc. Change of use of land for a mixed use of agricultural and temporary siting of 10 no. proprietary demountable geo domes. Erection of wcs/shower units, community building and communal car parking -Withdrawn.

### 4. Consultation Summary

#### Statutory Consultees

- 4.1 Natural England has provided detailed comments on the application and has no objection to the proposal having regard to relevant legislation as set out –
- The Conservation of Habitats and Species Regulations 2010 – No objection.
- The Wildlife and Countryside Act 1981 (as amended) – No objection - conditions requested.
- 4.2 The Forestry Commission has no objection to the proposal. Whilst noting the application is within 500m of ancient semi-natural woodland, the scale of the proposals is such that there will be no effect on the woodland.

- 4.3 The Environment Agency have previously commented that at the water abstraction rates proposed no permit or license is required by the applicants. Furthermore the Environment Agency has stated they have no reason to dispute the hydrological report provided.

#### Internal Consultees

- 4.4 The Council's Transportation Manager has no objection to the proposal providing a number of conditions are imposed and a Travel Plan is produced and enforced by a Section 106 agreement.
- 4.5 The Council's Conservation Manager (Landscape) who has been heavily involved in providing pre application advice and in assessing the previous applications and concludes that the application does demonstrate that the development will respect the landscape character and that the scale proposed will not override the key characteristics. A balance can be struck between the negative impact of new structures and associated activities in the rural landscape, with conservation objectives and sensitive site management. There is no landscape objection.
- 4.6 The Council's Conservation Manager (Ecology) has considered all submitted documents associated with the application, along with the detailed ecological objections received. It is noted significant appropriate studies have been carried out and various ecological enhancements and mitigation is proposed. No objection is made and conditions are recommended to protect and achieve the referenced ecological enhancement and mitigation.
- 4.7 The Council's Conservation Manager (Building Conservation) has no objection to the conversion of the historic agricultural buildings to the uses proposed. Conditions regarding details are recommended to safeguard the character and appearance of these buildings which are considered to be locally important, capable of and worthy of the conversion.

## **5. Representations**

- 5.1 Clifford Parish Council objects to the proposal on the following grounds
1. If this development goes ahead, a small farm will effectively become a hamlet of 6 houses. Not a single agricultural building will remain and Llanerch y coed will cease to be a working farm. A sad and irreversible loss.
  2. During our visit, the Parish Council analysed vehicle movements with Mr Smolas. So far from the maximum of 8 car movement as claimed (including existing traffic), it was shown that, if the development were fully occupied, there could easily be 14 vehicles plus additional service and staff vehicle movements. This potentially makes at least 17 vehicles (three came through the yard during our one hour visit). Only parking for ten is proposed and, in a busy fortnight such as Hay Festival, this number of vehicles present could easily translate into 60 plus movements per day. So much to-ing and fro-ing on single track roads without suitable passing places would be unacceptable.
  3. The meadow containing the geodomes will be the only ground on the farm mowed for silage/hay and this not until well into September. An old hay meadow in, for example, a hot and dry August could be an unacceptably dangerous fire risk to the occupants who have wood burning stoves, cigarettes etc. Emergency services could struggle to assist.
  4. Lighting in the yard is to remain unchanged but is, we are told, currently little used. When the existing lights are all on at once, they will almost certainly create a visible

glow in the night sky in this hill-top position. This is contrary to the wishes of the locals of this parish.

We are told that the previous application failed on ecological grounds. It is relevant therefore that an inspection of the existing swallow and martin population shows that all buildings currently used by swallows will be lost to development, and this year's martins (their nests having been knocked down) have not used any of the artificial nests provided. (They apparently rarely do). These two species would be lost to the site as would most of those bat species mentioned in the survey due to the light, noise and disturbance of such a large development. Tom Fairfield's reports on the status of the great crested newts, dormice, badgers and adders on the farm, its woodland and adjacent common should be taken into account and, where necessary, surveyed.

5.2 Cusop Parish Council comments awaited.

5.3 Dorstone Parish Council comments that they 'support the application subject to the following condition. The council still have concerns about the traffic level using the site, they note the traffic level indicated in the application, but are concerned about the amount of traffic the site will generate. Having read the traffic engineers report, that 8 vehicles would be acceptable, the council support a travel plan, as outlined in the engineer report of 28th October 2013, tied to a 106 agreement, for the life of the development and this plan should be actively managed'.

5.4 20 representations of support have been received. These comments are summarised as-

- Will provide a benefit to the local community
- Rural economy needs this type of development
- Will provide jobs
- Will have benefits to other existing rural businesses
- Will enhance the local rural economy
- Additional traffic is low level
- Many of the objections are overstated
- This application addresses previous concerns
- Similar roads in other near locations are far busier and cope with both traffic volume and tourist attractions
- Dairy farming creates a higher pollution risk than what is proposed
- The proposal is well designed
- This is a small scale proposal commensurate with the location
- The proposal complies with national and local planning policies
- Landscape impact is minimised and negligible

5.5 Lloyds Bank has also written to support the application, stating that they are to lend some substantial funds to help towards the various projects and in these difficult financial times, this request was assessed very carefully. The bank was provided with an excellent 5 year business plan to assist with the decision making and also taken into consideration was the applicant's current and previous business experience. The revised plan without weddings is supported as financially sound and the bank support the applicants in the long term plans and granted the required funding.

5.6 28 representations of objection have been received. These comments are summarised as –

- The proposal will cause a noise nuisance and undermine the tranquillity of the area
- No appropriate noise assessment has been included with the application
- The proposal will cause light pollution harming the night time landscape and adjacent designated dark sky reserve

- The local road network, due to its nature is unsuitable for and will not cope with the significant increase in traffic movements
- There will be a conflict between vehicles accessing or leaving the site with other road users, including farm traffic and machinery, walkers and horse riders
- The proposal is unsustainable development
- The hydrological assessment is flawed and inaccurate
- Dwellings and businesses in the area have experienced water shortages and supplies have run dry, the proposal will create significant extra demand on supplies derived from natural sources, which are relied on by people, farms and wildlife
- Significant detrimental impact upon common land, Local Nature Reserve, Ancient Woodland and the overall current isolated valued tranquil landscape hereabouts
- Impact on wildlife, including protected species and habitats
- The ecological surveying and assessment is insufficient
- The geodomes are out of character with the area and detrimental to its appearance
- The proposal will cause significant disruption to local residents and farming enterprises
- Concern over the use of the bio disc treatment plant and discharge entering the water course and supply, which is used for drinking water
- The proposal is of an unacceptable size and scale for its location
- The proposed uses are inappropriate and harmful to the location
- Impact on the occupiers of the dwelling accessed from the unclassified road
- Concern over public safety and access for emergency services
- The qualities of the area advanced as a reason to justify the proposal will be undermined and harmed
- Concern that individual's legal right of way and access will be affected
- Rainwater harvesting is not adequately set out or detailed

5.7 Visit Herefordshire supports the application, setting out a key part of Visit Herefordshire's strategy for improving and increasing the tourism revenue in the County has been to encourage the development and use of existing and currently redundant buildings to provide high quality, and where possible different or unique offerings to the increasingly discerning tourist. This is part of a strategy allowing more fully the substantial assets that the County possesses in its attractive countryside and walks but also to support the extensive offer in terms of our historic properties spread widely across the County and further afield to be exploited.

5.8 CPRE object stating their view remains unchanged from that regarding application 130461/F and still believe the proposed development is totally out of scale and inappropriate in this site. The application is considered to be not materially different from the previous refused application.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The application follows the withdrawn application 130461/F and the refused application 122922/F. This application has reduced the scale and range of uses previously proposed and attempts to address previous refusal reasons. The Wedding component has been removed from the proposal, which in turn scales back the traffic movements, visitors and overall scale

and impact of the proposal. Further ecological studies have been carried out and better consideration given to the sensitivity of development and new land uses in the isolated area.

## Economic Development and the Rural Economy

- 6.2 The Unitary Development Plan policies E11, E12, RST1 and RST13 are in broad conformity with the National Planning Policy Framework, which sets out that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, paragraph 28 of the NPPF directs Local Planning Authorities as follows: –
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings,
  - promote the development and diversification of agricultural and other land-based rural businesses,
  - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres,
  - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.3 The application seeks to establish a new rural business tapping into a sector where within the county as a whole, and in this area generally, there is a clear gap and potential demand for such facilities as reported and recognised by the comments of the Economic Development Manager and Visit Herefordshire. The business is taken to be a viable proposition given the investment to be made by the applicants. Conditions requiring the reinstatement of the field to its existing condition and removal of the geodome supporting infrastructure is required if the business ceases trading or closes.
- 6.4 The proposal also has potential spin off economic benefits to the locality and wider areas through employment and products and supplies sourced from local suppliers, craftsmen, businesses and labour. Cross business benefits also include visitors and users of the proposal using local pubs, accommodation, shops and other existing facilities. This potential economic benefit to the area is underlined by the number of supportive representations from local businesses. It should be noted however, planning cannot require the applicant's to use local employment or source or utilise local produce or businesses. The proposal in its own right can become a 'local service and facility' benefiting the area and communities.
- 6.5 The proposal clearly diversifies the activities and business base of an existing agricultural holding. The proposal includes the retention and conversion of existing non designated heritage assets with minimal new built development. The proposal would also involve controlled managed responsible countryside access, benefiting the environment itself and visitors alike. To minimise the impact of the proposal and to concentrate on this expanded economic use, an existing bed and breakfast use on the site will cease.
- 6.6 As such it is considered the proposal is considered to conform to the above aims and objectives of the NPPF and Herefordshire Unitary Development Plan regarding economic

growth in the rural areas. The acceptability of the proposal is therefore considered on the assessment of material considerations and the acceptable mitigation of any impacts.

#### Landscape Impact – Context and Policies

- 6.7 The site is an isolated farmstead in a remote and sensitive landscape. The landscape character type is Ancient Timbered Farmlands and adjacent to High moors and Commons. Both of these are high quality and highly sensitive to change. The area has one of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover. Any development should take great consideration of the wider landscape character, the possible impact that increased use and development of this site will have and in particular the visual impact. Notwithstanding this, it is noted the application site is within an undesignated landscape area and not subject to any special statutory protection.
- 6.8 The NPPF and UDP Policies E11, E12 RST1, RST12 and RST13 allow new development and land uses within such a landscape providing it is of an appropriate scale and impacts are mitigated appropriately. The NPPF states distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
- 6.9 Whilst the application site is not within or adjoining such a protected landscape area and the proposal is in accordance with the NPPF's and UDP's aims and objectives of ensuring a prosperous diverse rural economy, this does not permit development at any cost. Policies require development should be appropriate to its location and of appropriate size and scale. The landscape and its intrinsic character and qualities should be conserved and enhanced and in particular areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason should be protected.
- 6.10 It is recognised NPPF policies promote mixed use developments, and encourage multiple benefits from the use of land in rural areas, recognising that land can perform many functions, such as for wildlife, recreation, tourism and economic development.

#### Landscape Impact – Assessment of the Development

- 6.11 One field, close to the main buildings, has been chosen to locate the geodomes, which restricts the spread of development. As per the Design and Access statement, Officers agree that the least sensitive locations have been selected for the geodomes. The proposed dark green colour is welcome and further helps mitigate impact, particularly from mid and long range views. Existing trees have been marked on the proposed site plan (6082-1-9c), and are also shown in the landscape management plan and described in detail in the preliminary ecological appraisal. The Design and Access statement confirms that the geodomes are demountable and a condition that the domes are removed when not in use (eg. Outside of tourist season) is recommended. This will reduce the visual impact during the winter months when there is less screening from surrounding vegetation. The timber deck, steps and handrail (as per dwg no. 6082-1-7a) represent permanent construction that adds to clutter and detracts from the sensitive, low key intentions of the geodome ethos.
- 6.12 No external lighting is proposed adjacent to the geodomes or in the field. The car park includes 4no. bollard style lights appropriate to a rural location. A condition is recommended requiring that a detailed specification for this lighting is to be agreed with the Council before installation.



- 6.13 The car park will result in loss of a small part of the field, and slightly extend the built development of the farm, however this is proportional to the size of the site. The coming and going of cars and minibus will reduce the tranquillity of the existing landscape. A sensitive design has been chosen, including new planting, use of existing ground levels and a permeable surface
- 6.14 In landscape terms the shower block as proposed will have limited visual impact as it is set behind the larger, existing buildings and is smaller in scale. The design with slate roof and timber weatherboarding (dwg no. 6082-1-8b) is suitable to the character of the site and it will read as an agricultural building. In landscape terms the conversion of the existing agricultural buildings is acceptable and secures their long term contribution to the character and appearance of the area. The planting layout to the existing courtyard is welcomed.
- 6.15 The traffic will have direct landscape impact on verges in the wider area where passing is required on the narrow lanes, which are characteristic of the area. There will be direct landscape impacts on the site if more traffic than planned arrives, resulting in parking, turning, pick up / drop off taking place outside of the designated car park. To safeguard against this the recommendation of the Transport Manager must be followed.
- 6.16 The Landscape Management Plan also includes landscape proposals. Proposed new native planting and strengthening of existing hedgerows around the geodome field is welcome. This will help to integrate the geodomies into the field. It also describes a minimal hard surfacing treatment to the area between the proposed venue and new communal block. The plan shows mown paths and kick-about area, with the remaining field area to be hay-meadow. The management prescriptions are clearly set out and suitable to the site.
- 6.17 There will be a visual impact where the geodomies / huts are visible from public viewpoints on the common land. The application does include one photomontage to demonstrate that this impact is minimal, although it is not clear whether this is one of many viewpoints or the only identified location where the field is visible. It is accepted that the existing trees and hedgerows provide a good background to help absorb the visual impact of the geodomies / huts. It is agreed that the carpark and new building will be hidden in this view owing to the low level of the existing farm and being behind the existing buildings.
- 6.18 This application will cause a change to the landscape character of the site and local surroundings, as a new use will be introduced. The question is whether this change is appropriate to the sensitive landscape and whether the change will have adverse impacts on the landscape character. Officers conclude that the application does demonstrate that the development will respect the landscape character and that the scale proposed will not override the key characteristics. A balance can be struck between the negative impact of new structures and associated activities in the rural landscape, with conservation objectives and sensitive site management. There is no landscape objection from the Council's Landscape Officer.

#### Ecological Issues

- 6.19 Officers have read all the ecological reports carried out by the Badger Consultancy in relation to this application including the rebuttals and counter-rebuttals from the various objectors and have assessed ecological impact and protected species and habitats as follows –

The site is adjacent to a Local Wildlife Site (Little Mountain Common) which is also designated as a Local Nature Reserve and has areas of Ancient Woodland. The common has valuable habitats and supports ground-nesting birds. The access road to the site passes through another area of common land that is also a Local Wildlife Site (Alt Common and Cot Wood) and Ancient Woodland. The following are the wildlife site descriptions for each site:

SO24/15 Little Mountain and Newhouse Wood SWS

The register states: "Newhouse Wood is an ancient woodland which, although inter-planted in parts, still has a good variety of trees, shrubs and ground flora. Species include mountain ash, holly and wood-sorrel. Little Mountain has a rich variety of plants, including pillwort, an international rarity. The site supports many species of insects and birds." Date 1990

SO24/12 Alt Common and Cot Wood SWS

The register states: "Alt Common has a good number of trees, and dense scrub in places. Species present include oak, crab apple, holly and gorse, with harebell and bluebell in the ground flora. Cot Wood is an ancient semi-natural wood mostly ash with coppiced hazel and bluebell."

Date 1990

- 6.20 The farm buildings include features that could support roosting bats and nesting birds. The proposed geodome field is currently improved pasture and is surrounded by species-rich, mature hedgerows.
- 6.21 UDP policies NC1, NC4, NC6 and NC7 set out how habitats and protected species are to be protected and biodiversity enhanced. These policies are in conformity with Section 11 of the NPPF which sets out planning aims and objectives regarding conserving and enhancing the natural environment. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused
  - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
  - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss
- 6.22 This application provides opportunities to incorporate features into the design which are beneficial to wildlife and are biodiversity enhancements. This includes the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This is in accordance with the advice and request of Natural England and Paragraph 118 of the NPPF. Additionally, Section 40 of the Natural Environment and Rural Communities Act (2006) states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.
- 6.23 There has been an effort by the applicant over the last number of years to comply with the requests of the Council's officers and to engage with the necessary ecological survey work required. Whilst further surveys could always be done on this site, there is enough conclusive evidence gathered since 2010 to derive sufficient conclusions with respect to impacts upon protected species. There is a clear requirement to apply for a development licence from Natural England with regard to bats, the details for compensation measures for which are substantial and inclusive for all bat species utilising the site. The ecological reports propose appropriate and well considered biodiversity enhancement and mitigation measures. This should ensure that the site's development has a minimal ecological impact on existing habitat and species with the promise of significant biodiversity gains.

6.24 The evidence from the surveys indicates that the ecological conditions for most species on the site are sub-optimal at best for the species of fauna recorded. It would appear that there is more conducive habitat for breeding and hibernation in the surrounding areas of woodland and common than on the farm itself. This is in keeping with the nature of agricultural land use across the landscape except where sites are bounded by important habitat as is the context here. Specific comments on the ecology are as follows:

#### Mammals –

- 6.25 The site is unsurprisingly an active foraging area for badgers with occasional sett excavation on the periphery. These are of a temporary nature which, of course could change in future. This species resides more permanently within the woodland area. As indicated in the report, the nearest 'dome' will be constructed some 10 metres from the active sett which I would concur should not adversely affect the animals. Foraging disturbance may well occur as a result of the intensification of use of the site.
- 6.26 The bat species recorded for the site are surprisingly diverse and, perhaps, reflects the connectivity between surrounding habitat for some flight line dependent species such as lesser horseshoe. Foraging potential is clearly important here given the number of species recorded within the barn complex. Whilst, feeding and temporary night roosting could be disrupted by the development, the compensation provisions for bats together with biodiversity enhancements of hedges/margins should ensure that this continues. The provision of improved bat roost potential over that which already exists may well enable establishment of maternity colonies of some species.
- 6.27 Otter and water vole have not been recorded. The occurrence of water vole in the absence of even marginal habitat conditions is most unlikely. Otter may well range across the site as an occasional transient between water sheds but minimal riparian habitat is not present to support an established population.
- 6.28 Dormice have a predilection for layered woodland conditions but have also been found in hedgerows and in minimally supportive conditions of patches of bramble feeding on alternative food sources. The conditions for dormice on the site periphery provide for some connectivity of habitat and it would be unusual for them not to be utilising the hedgerows especially if vegetation structural changes in their prime habitat becomes unsupportive. Their movement across a landscape is known to be slow (70 metres in their lifetime) and so their presence in hedges is not likely to be transient. The planting, preservation and less intensive management of hedgerows proposed in the application should improve connective habitat for dormice. Disturbance by noise and lighting is less well known but given that both are to be reduced from the original proposal, the impact upon dormice should be regarded as minimal.
- 6.29 In summary, the impacts of this development upon mammal species are not likely to be direct. Any disturbance impacts arising should be minimal and would not appear to significantly threaten the breeding place or reproductive cycle of any mammal species.

#### Birds –

- 6.30 The biodiversity enhancement measures for this application are likely to result in improved conditions for breeding and foraging for most species. The significant number of swallow breeding sites affected by barn works is to be compensated for by considered placement of artificial nesting. It is regarded that the most significant disruption to breeding will be through adjacent work after erection of replacement nest sites. The returning birds should be given opportunity to explore and take up the alternative sites without disturbance. Informatives in relation to nesting birds, reckless disturbance regimes and the CROW Act 2000 are added to the recommendation.

- 6.31 Improvements in hedgerow structure and boundary maintenance on the margins should be seen as an enhancement for farmland birds as well as more common garden bird species. Foraging species such as barn owl should also benefit from these changes.

#### Reptiles –

- 6.32 The proximity of Little Mountain Common and a range of conditions for reptile activity does dictate caution where results for surveys are negative for an adjacent site. It is possible a small population can remain undetected given that reptiles are often found mainly in their resting or breeding phases. Slow worm should be more easily found but were not revealed in the surveys whilst grass-snake might well occur across the site. The conditions for common lizard and adder are not optimal but the occurrence of adder should not be ruled out considering the presence of breeding population on the adjacent common. They may well be confined to the common during part of the winter and the spring breeding congregations but will disperse quite widely after that period. The informatives with respect to protected species apply.

#### Amphibians –

- 6.33 The breeding populations of smooth newt will not be affected by the development and, in consideration of the amended ecological report, Officers are happy that great crested newt are not present as a breeding population. The pond appears in relatively poor condition with substantial impact from the resident duck population. It is possible that hibernating newts from an unknown local population may find hibernaculae on the site but in my view this is not borne out by the evidence. The quick removal of rubble from the site should ensure that inadvertent populations of all newts are not attracted to the development area of the site.

#### Conclusion –

- 6.34 The Council is satisfied and happy that the ecological survey information provided from the appropriate surveys is adequate to assess potential impacts upon protected species.
- 6.35 Mitigation proposals are substantial enough to give some overall benefit to biodiversity on the site and this is secured through the appropriate conditions listed in the recommendation section of this report.

#### Traffic and Highways

- 6.36 The trips generated by the proposed development utilise the u75236 no through road which serves one other property as well as the existing used bridleway. The C1208 has 12 properties on the route though there are other accesses along the road serving agricultural land. Overall it is proposed that the development will be managed via conditions of booking in users, contracts and through the facility utilising a shuttle bus service, to maintain a controlled, low level of flow on the unclassified and C Class road.
- 6.37 The information provided in the application states that only 8 vehicles will visit the site over the entire week. The Council does not consider this would be the case, and at best it would be 8 vehicle movements per day for the development including minibuses. It is considered this amount of movement would be minimal and would be equivalent to 1 additional property. The local road network is narrow with minimal passing places, the u75236 is single track and passes through a common and Ancient Woodland which gives little possibility for improvements.
- 6.38 Officers have calculated various worse case scenarios if there was a reliance on conditions to restrict and manage the traffic movements. The applicants have set out their business plan

based on very limited, controlled vehicle movements and maximum numbers of guests. This is intended to be controlled by conditions of booking and use, however there is concern such conditions would be unenforceable or not monitorable and, if the business was struggling, hard to defend against appeal or variation. A delegate turning up in their own vehicle is hardly likely to be turned away. It is also recognised these are hard times for businesses, let alone start ups.

- 6.39 The Council has calculated a scenario based on the accommodation as follows – the 5 geodomes accommodate 10 people. This equates to 10 vehicles. The Wainhouse could accommodate 4-6 people. This equates to up to 2 vehicles. The stables can accommodate 4 people and equates up to 2 vehicles. The livestock building can accommodate 5-6 people. This equates to 2 vehicles. This equates to 26 people using 11 vehicles.
- 6.40 At peak time and the proposal being used as holiday accommodation only, taking the ‘cross over’ between check out and check in into account, this could result in, if not managed and controlled by a Travel Plan, 44 vehicle movements on one day not including any servicing or the accommodation. The training use could have even more impact if people arrived using their own vehicles and numbers were increased by other users staying locally and participating or visiting the development.
- 6.41 Taking the best case scenario, the traffic impact of 8 vehicles per day would be acceptable, however it is recognised that without management the impact has the potential to escalate, as shown above, therefore the only way this proposal would be acceptable in highway terms would be for a Travel Plan to be tied to any permission for the life of the development. If the traffic generated resulted in additional traffic over and above the agreed, a set of measures would be required to stop or mitigate the development and use. The Transport Manager suggests this would be the introduction of passing places and reinforcing those that exist in the public highway as a proportion are susceptible to weather.
- 6.42 The full travel plan, as per Department for Transport guidance, would need to be conditioned and in place prior to commencement of selling holidays or corporate events as this will need to influence and control how people travel. It is noted the Transport Manager requests this is imposed and controlled through a S106 agreement to ensure it is robustly enforced and monitored. If numbers exceed the 8 vehicle movements per day that are considered acceptable, this would trigger the applicants financing highway improvements hereabouts.
- 6.43 It is noted that an existing bed and breakfast use on the site, contributing 4 vehicle movements per day, will cease and thus offset some of the additional vehicle movements outlined. To further ensure vehicle movements generated from Llanerch Y Coed are appropriate and restricted to minimise conflict on the local road network and to also protect the character and amenity of the area, permitted development rights relating to land uses and activities are removed by condition. Officers also note the conversion of the agricultural buildings to residential use, if they were so appropriate, would generate more traffic than this proposal.

#### Hydrological Issues

- 6.44 Despite the Council’s consideration on hydrology as set out in Planning Committee Report 24 April 2013 concerning the refused application 130461/F, concern is still expressed by local residents regarding water resources. Dwellings, businesses and indeed the wildlife and valued common land, Ancient Woodland, and Local Nature Reserve are dependent on natural private water supplies. There is no mains water or sewerage. Water is supplied from boreholes, springs or streams. It is on record that resources have ‘run dry’ leaving people without water.
- 6.45 The Council’s position as previously set out and established through consultation with the Environment Agency remains the same. It is noted the amount of water the applicants intend extracting from a borehole, no permit is required. Whilst acknowledging the local concern on

this issue, given the Environment Agency's position and relevant legislation regarding water extraction, there are no grounds for this application to be refused for hydrological reasons. In the event of the applicant's extracting higher quantities of water or there being a local issue, the Environment Agency would have to act accordingly. Furthermore, with a better hydrological assessment and the full time use of various mitigation measures the applicants could adequately address this issue through utilising grey water harvesting full time and extracting water at their permitted quantity to holding tanks and storing water for future use.

Dark Skies, Light Pollution

- 6.46 The Brecon Beacons National Park is now a 'Dark Sky Reserve', one of only five globally, and so afforded this designation due to it being so unaffected from light pollution and allows the enjoyment of clear unobstructed night skies. The application is located in relative proximity to this designated area. Light pollution is a transfrontier issue that does not recognise or is unrestricted by national or authority borders. The impact on this designated area and light pollution generally is therefore considered a material planning consideration.
- 6.47 The NPPF has specific regard to light pollution and the value of dark landscapes as a finite limited resource. The NPPF requires decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Equally, local plan policies S1, DR2 and DR14 all require development to have appropriate regard to and not have a detrimental impact upon adjoining land uses. This includes amenity, environmental and landscape character. Policy DR14 specifically sets out development requirements regarding lighting and seeks to minimise light spillage. It also requires that lighting should be necessary and appropriate to the development and its location.
- 6.48 The previous concern regarding the unacceptable impact of this development has been addressed through the reduced scale and use of the site, including reduced traffic movements and associated on site activities, and through the lighting proposals and mitigation included in the application. It is considered these measures and recommended conditions detailed actually will reduce light pollution from Llanerch Y Coed where it is noted there is currently no restriction on external lighting.

Summary

- 6.49 On the basis of all of the above, and assessed against relevant local and national planning policies, the proposal is considered acceptable subject to the conditions set out. The proposal balances economic development with heritage and ecological conservation aims and objectives and furthermore other material considerations regarding highways and amenity have been addressed. Approval is recommended subject to the completion of a Section 106 agreement regarding the implementation, monitoring and mitigation of a Travel Plan.

## **RECOMMENDATION**

**That subject to the completion of a S106 agreement, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions and any further conditions considered necessary by officers**

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F06 Restriction on Use**
- 4. I03 Restriction on specified activities**

5. **F14 Removal of permitted development rights**
6. **F13 Restriction on separate sale**
7. **F30 Use as holiday accommodation**
8. **H28 Public rights of way**
9. **Section 106 Agreement and Travel Plan**
10. **G11 Landscaping scheme - implementation**
11. **G16 Landscape monitoring**
12. **I33 External lighting**
13. **I18 Scheme of foul drainage disposal**
14. **K4 Nature Conservation - Implementation**
15. **D04 Details of window sections, eaves, verges and barge boards**
16. **D05 Details of external joinery finishes**
17. **D06 External finish of flues**
18. **D10 Specification of guttering and downpipes**
19. **D11 Repairs to match existing**
20. **F16 No new windows in specified elevation**
21. **Reinstatement of land**
22. **Details and formation of car park**

**INFORMATIVES:**

1. **N01 Access for all**  
  
Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
2. **HN25 Travel Plans**
3. **N03 Adjoining property rights**
4. **N04 Rights of way**
5. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
6. **N11B Wildlife & Countryside Act 1981 (amended) Cons hab/spec 2010 Bats**
7. **N11C General**

8. **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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision: .....

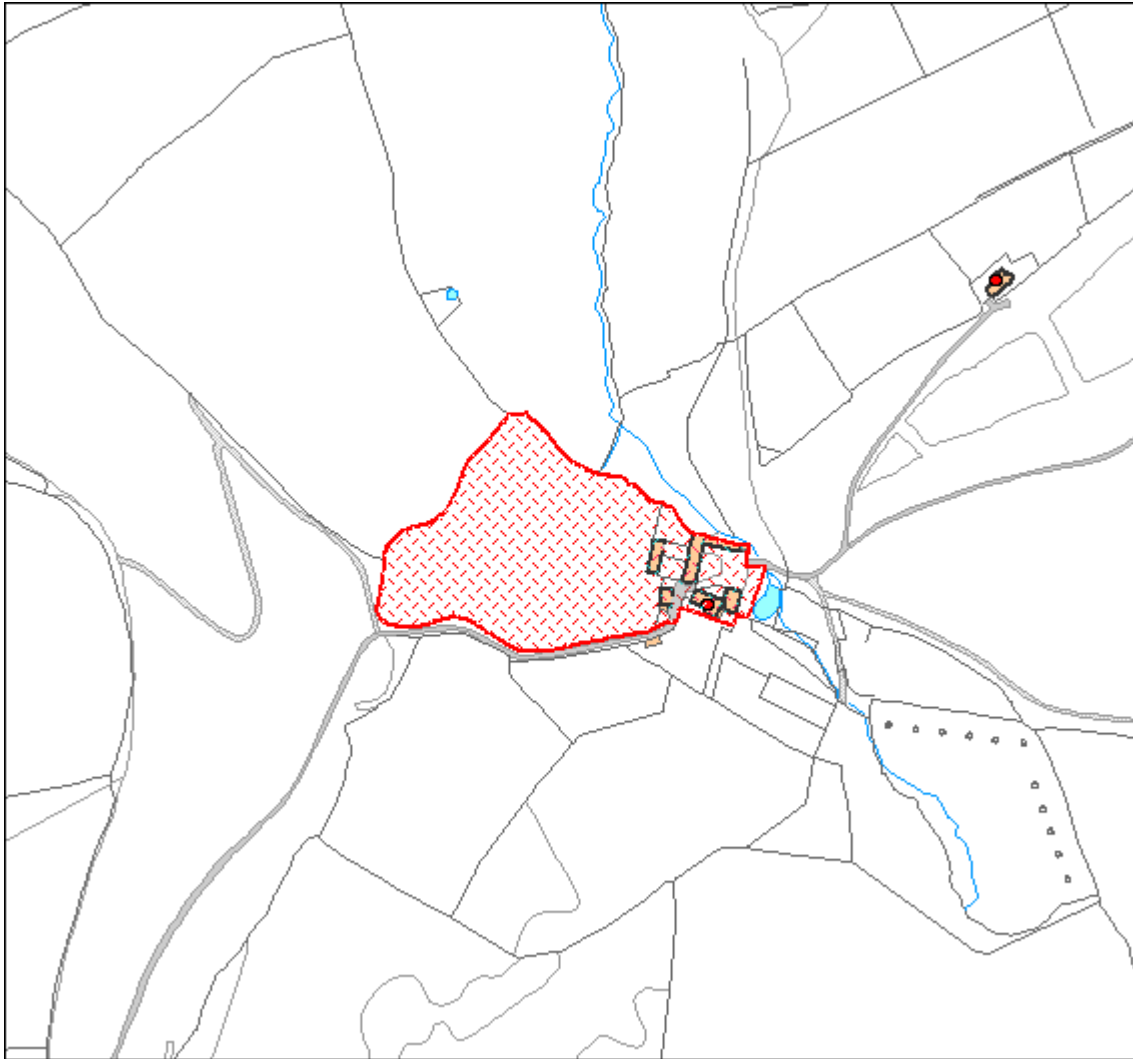
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 132192/F

**SITE ADDRESS :** LLANERCH Y COED, DORSTONE, HEREFORD, HEREFORDSHIRE, HR3 6AG

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Further information on the subject of this report is available from Mr C Brace on 01432 261947