

MEETING:	PLANNING COMMITTEE
DATE:	17 SEPTEMBER 2014
TITLE OF REPORT:	<p>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 GEO DOME GUESTS IN EXISTING BUILDINGS AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</p> <p>For: Mrs Smolas, Llanerch Y Coed, Dorstone, Hereford, Herefordshire HR3 6AG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=132192&search=132192

Date Received: 8 August 2013

**Ward: Golden Valley
North**

Grid Ref: 327448,242597

Expiry Date: 29 November 2013

Local Member: Councillor PD Price

Background and Update

Members will recall that it was resolved to approve this application in line with the Officers' recommendation at Planning Committee on 8 January 2014. There was a requirement for the applicants to enter into a Section 106 Agreement in respect of controlling traffic movements associated with the development. The Heads of Terms of the Section 106 Agreement have now been agreed as has the Travel Plan that will be linked to the Agreement. During the negotiations, more detailed information relating to the proposal has been examined and as such the original report set out below has been updated and amended to reflect these discussions. In particular the Transportation Manager has provided an updated comment and the conditions set out in the Recommendation section have been refreshed to reflect the detailed information that has been provided since the original resolution.

The Draft Heads of Terms and the Travel Plan are provided as an appendix to this updated report but in summary the terms that have been agreed with the applicant are as follows:

- A maximum of 8 vehicles on site for the holiday accommodation
- A maximum of 8 two way trips per day (16 trips per day) for the training facility
- On receipt of complaint, request evidence required by applicants monitoring of the Travel Plan

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

- If found to be in breach, requirement for the insertion of CCTV to monitor designated parking and adjacent road (to enable passing vehicles to be counted)
- On receipt of further complaint, request evidence required by applicants monitoring of the Travel Plan and the CCTV footage

If found to be in breach, penalty of £13, 516 in accordance with the Councils Planning Obligation Supplementary Planning Document for highway infrastructure.

In view of the need to review the proposal in the light of the detailed negotiations that have taken place, the length of time that this has taken and the level of public interest it is considered appropriate for the original resolution to be endorsed by the Planning Committee with a clear understanding of the measures proposed to control traffic movements

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 Dorstone, which is 3.3 miles away to the east and accessed via a network of single width country lanes. Hay on Wye is 3.1 miles away to the west. The site lies within a landscape character type designated as Ancient Timbered Farmlands and is adjacent to an area characterised as High Moors and Commons. Both of these are high quality and 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 comprises the change of use of redundant farm buildings to create three holiday let cottages, an events facility for corporate training events, the erection of five demountable geodomes on an adjacent field providing both holiday and training event accommodation and the erection of a wc/shower building, communal facilities and a car park is proposed.
- 1.4 The training events facility will utilise the accommodation, which will also be used as holiday accommodation when there are no training events. 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 the site in connection with training events including associated stays in the accommodation at any one time and the proposal would enable a maximum number of 26 people to stay on site in connection with the holiday use.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction - Achieving Sustainable Development
 Section 3 – Supporting a prosperous rural economy
 Section 4 – Promoting Sustainable Transport
 Section 7 – Requiring Good Design
 Section 8 – Promoting Healthy Communities
 Section 11 – Conserving and Enhancing the Natural Environment
 Section 12 – Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan (HUDP)

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 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

- 2.4 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

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 wc's/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 Further to the negotiations that have taken place, the Council's Transportation Manager has no objection advising that "the information gathered through the Travel Plan will ensure robust monitoring. This will assist the applicant in managing the development to minimise the impact of traffic in a sensitive location with narrow lanes. The main concern remains the training but suitable measures are in position to mitigate if deemed necessary. Therefore I am confident the measures will ensure the site can be managed as the applicant plans to."

- 4.5 The Council's Conservation Manager (Landscape) who has been heavily involved in providing pre application advice and in assessing the previous applications concludes that the

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

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 six 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 in to account and, where necessary, surveyed.

5.2 Cusop Parish Council have not returned a comment.

- 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

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 HUDP 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 are 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, that planning controls cannot require the applicants 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 access to the countryside, 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 complies with the above aims and objectives of the NPPF and the 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 HUDP 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 that 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 that 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. Detailed specification for this lighting has been agreed with the council and controlled through a condition.
- 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 proportionate 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 could 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 would 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 geodomes 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 geodomes 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 geodomes. It is agreed that the car park 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 It is acknowledged that this proposal 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 Senior 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 HUDP 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. Accordingly 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 below.

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.

- 6.34 The Council is satisfied that the ecological survey information provided from the appropriate surveys is adequate to assess potential impacts upon protected species.
- 6.35 The 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 bridleway. The C1208 has 12 properties on the route though there are other accesses along this road serving agricultural land. It is proposed that the development will be managed via conditions, a Travel Plan and a linked Section 106 Agreement to facilitate and maintain a controlled, low level of flow on the unclassified and C Class road.
- 6.37 The proposal would allow for a total of 8 vehicles associated with the holiday accommodation which would utilise the proposed use to park at the site at any time. The training event element is intended to be controlled by setting a maximum trip generation of 8 two way trips. It is considered that the likely amount of movement would be minimal and through the negotiations that have taken place since the Committee resolution, the Transportation Manager has confirmed his support for the proposal. 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. However, on the C1208 there is land within the highway authority's control that could incorporate passing places and the provision of such improvements could be secured where a breach of the proposed Section 106 Agreement occurs.
- 6.38 Within the strategy is the commitment that training events and general holiday use of the geodomes and barns will not occur at the same time. Furthermore the geodomes will only be used between April and September.
- 6.39 The traffic impact of both the holiday accommodation and the training events would be acceptable, however it is recognised that without management the impact has the potential to escalate and therefore the only way this proposal would be acceptable in highway terms would be for the 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 amount, a set of measures would be required to mitigate the development and use through the form of a punitive amount payable to the Council. The Transportation Manager suggests this would in the first instance be the introduction of new passing places and reinforcing those that exist in the public highway at present.
- 6.40 The Travel Plan has been agreed with the applicants and will be conditioned and in place prior to commencement of the occupation of the site for holidays or corporate training events. The Travel Plan will influence and control how people travel and how these vehicle movements are monitored. It is noted the Transportation Manager requests this is imposed and controlled through a Section 106 Agreement to ensure it is robustly enforced and monitored. If numbers are proven to exceed the 8 vehicle movements per day that are considered acceptable in relation to the training events, after an initial warning, this would trigger the applicant's £13,516 payment. This amount has been devised by the Planning Obligations Manager and it is intended that it will act as deterrent to breaching the Travel Plan

- 6.41 It is noted that training events will not occur when general holiday letting is utilised and furthermore 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. A condition is proposed to secure the cessation of the bed and breakfast use. To further ensure vehicle movements generated from Llanerch Y Coed are appropriate and restricted to minimise conflict on the local road network and also to protect the character and amenity of the area, permitted development rights relating to land uses and activities would be removed by condition.

Hydrological Issues

- 6.42 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.
- 6.43 The Council's position as previously set out and established through consultation with The Environment Agency remains the same. It is noted that, based upon 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 in relation to hydrological issues. In the event of the applicants 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

- 6.44 The Brecon Beacons National Park is now a 'Dark Sky Reserve', one of only five globally, so afforded this designation due to it being so unaffected from light pollution allowing 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 national or authority borders. The impact on this designated area and light pollution generally is therefore considered a material planning consideration.
- 6.45 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.
- 6.46 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

- 6.47 The principle of this proposal has previously been found to be acceptable with the Committee resolution requiring the approval to be subject to the completion of a Travel Plan. This has been achieved, albeit negotiations have been lengthy. 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 the attached draft Section 106 Agreement and full compliance with the detailed 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. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and the National Planning Policy Framework.

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans and documents, received 8 August 2013 and the schedule of materials indicated thereon unless otherwise stipulated by conditions attached to this Planning Permission.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

3. **The existing Bed and Breakfast use occurring on the land and buildings within the line edged red and blue on the approved plans shall permanently cease on the first use of the any part of the development hereby permitted.**

Reason: In order to protect the amenity of this open countryside location and occupiers of nearby properties so as to comply with Policies S1, DR2, DR13 and RST1 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

4. **Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1, or development or land uses permitted under Part 4, Part 5, Part 27 and Part 40 of Schedule 2, shall be carried out.**

Reason: To ensure the character and amenity of this tranquil open countryside location is maintained and also to ensure the character and appearance of the original conversion scheme is maintained and to comply with Policies S1, S2, DR1, DR2, DR3, T8, LA2, HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the heritage aims and objectives of the National Planning Policy

Framework.

5. The buildings subject of this planning permission, the holiday accommodation permitted and the dwelling known as Llanerch Y Coed, Dorstone, Herefordshire shall not be sold or leased separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling or separate independent economic use in this location having regard to policies S1, S2, DR1, DR2, DR3, H7 and E8 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

6. The buildings which are the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

An up to date register of all visitors and occupiers of the holiday accommodation including names, date and duration of stay and home address shall be kept and made available to the Local Planning Authority at all times.

No single person or group is permitted to stay in the accommodation permitted in this permission for more than 28 consecutive days or for a total of 156 days in any calendar year.

Reason: Having regard to Policy S1, DR2 and RST1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of separate units of residential accommodation in this rural, isolated unsustainable open countryside location.

7. The existing public right of way crossing the application site shall not be obstructed, to diverted or stopped up during the construction phase or at anytime thereafter during the use of hereby permitted development.

Reason: To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

9. The soft landscaping scheme approved and as shown on the approved plans listed under Condition 2 of this permission shall be carried out concurrently with the

development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

10. Not later than 1 October in each of the 5 calendar years following the planting of any trees or shrubs on this site in connection with the development hereby permitted the operator shall submit to the Local Planning Authority a written statement detailing:

a) The number, location and species of any trees, shrubs and hedge plants which have died, become diseased or seriously damaged in the preceding 12 months, and
b) Proposals for the replanting and maintenance of any such failures with plants of similar size and species within the following 6 months.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

11. The external lighting shall be installed and operated in accordance with the approved details received 4th April 2014 and thereafter be maintained as such.

No further external lighting shall be installed upon the site (including upon the external elevations of any existing or proposed building or structure within the red or blue line area identified on the plans listed under Condition 2 of this permission) without the prior written consent of the local planning authority.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

12. The development shall be carried out in strict accordance with the details of the foul and surface water drainage arrangements received 27 June 2014. This scheme shall be implemented before the first use of any of the buildings or development hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan

13. The recommendations set out in the ecologist's report listed under Condition 2 of this Decision Notice and The Ecological Measures contained within the Construction Environmental Plan, received 10 June 2014 shall be followed in relation to the identified protected species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c)

Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework

- 14. The architectural details of windows and their openings, doors and their openings, eaves, verges and bargeboards and ridges, shall be carried out in accordance with the details received 27 June 2014 and thereafter be maintained as such.**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework .

- 15. The finishes to be used for all external joinery, timber, plaster and masonry surfaces work shall be carried out in accordance with details received 27 June 2014.**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

- 16. The chimney flues shall have a dark matt finish of a colour as described in details Received 27th June 2014 and thereafter be maintained as such.**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

- 17. The guttering, down pipes and all associated fittings shall be carried out in accordance with details Received 27th June 2014 and thereafter be maintained as such.**

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

- 18. All works of external repair, restoration and replacement are to exactly match the original features, materials and finishes of the building.**

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

- 19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that**

Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in any elevation of the buildings subject of this permission, and no dormer windows shall be constructed in the roof slope of any building subject of this permission.

Reason: In order to protect the character and appearance of the original buildings that are of historic merit worthy of safeguarding through the permitted use and conversion and to protect the residential amenity of adjacent properties and to comply with Policies DR1, DR2, H18, HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

20. The geodomes (excluding the bases) hereby permitted shall be removed from the site from 1 October to 31 March of each year.

Reason: The local planning authority is only prepared to allow this accommodation as a temporary measure as the application was assessed and permitted on the basis of the geodomes being removed from the site during these dates and in the interests of the character and appearance of this open countryside location and having regard to Policies S1, DR1, DR2, DR3, LA2 and RST1 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

21. In the event of the holiday use ceasing or the business failing, the geodomes hereby permitted including their bases and all associated infrastructure shall be removed permanently from the site and the land reinstated in accordance with details (including timescale) which shall be submitted to and approved in writing by the local planning authority.

Reason: The local planning authority permitted this development having regard to the special circumstances and business plan provided by the applicants and is not prepared to allow unused buildings and infrastructure to undermine and despoil the character and appearance of this isolated rural landscape and to comply with Policies S1, S2, DR1, DR2 and LA2 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

22. No more than 13 people in total are permitted to stay on site in the accommodation and/or geodomes at any time during a training event and no more than 26 people in total are permitted to stay on site in the holiday accommodation or geodomes at any other time.

Reason: The application has been assessed and permitted on the basis of this maximum occupancy number set out in the application submission and having regard to safeguarding the character, appearance and amenity of this isolated rural location and having regard to the sustainability of the location and capacity of the local road network and to comply with Herefordshire Unitary Development Plan Policies S1, DR1, DR2, DR3, E8, LA2, and RST1 and the relevant aims and objectives of National Planning Policy Framework.

Informatives:

- 1 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.

- 2 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.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 5 All nesting birds, their nests, eggs and young are protected by law and it is an offence to:
 - intentionally kill, injure or take any wild bird
 - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
 - intentionally take or destroy the egg of any wild bird
 - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

- 6 It is an offence for any person to:

Intentionally kill, injure or take any bats.

Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 that works to trees or buildings where that work

involves the disturbance of a bat is an offence if a licence has not been obtained from Natural England. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural England (0300 060 6000) and the Council's Ecologist. Advice is also available from the Bat Conservation Trust Helpline on 0845 1300 228.

- 7 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

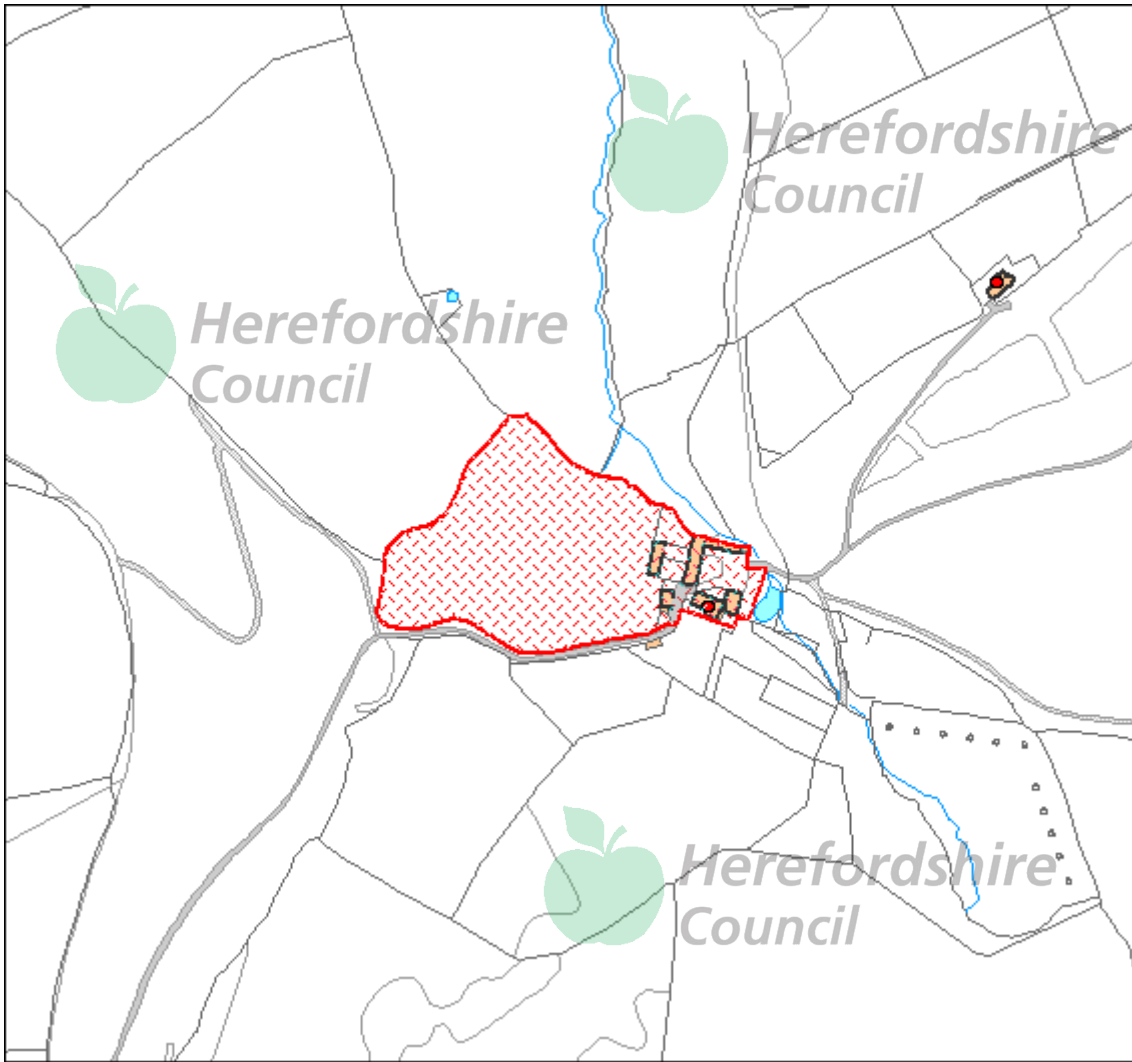
The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

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: 132192/F

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

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

Draft Heads of Terms Section 106 Agreement

Schedule

Definitions:

“Permitted Amount” means:

In relation to the training function of the Development 16 vehicle trips (this being 8 vehicle trips to and from the Development) in any day unless otherwise agreed in writing by the Council; and

In relation to the holiday accommodation function of the Development the on-site parking of a maximum of 8 vehicles in any day unless otherwise agreed in writing by the Council

“Travel Plan” means the travel plan annexed to this Agreement

“Trip Excess Measure A” means the installation at the Owner’s expense of CCTV cameras in location previously approved in writing by the Council to monitor vehicle movements to and from the Development and in the vicinity of the adjacent highway

“Trip Excess Measure B” means the construction on the local highway network of as many passing bays as the Council as local highway authority shall require and thereafter any other sustainable transport improvements in the locality of the Development at the Council’s discretion including but not limited to improvements to the public right of way network and bus infrastructure

“Trip Excess Sum” means the sum of £13, 516.00 (thirteen thousand five hundred and sixteen pounds) payable in respect of every single vehicle trip or parked vehicle in excess of the Permitted Amount.

Covenant

1. Not to use or occupy the Development except in accordance with the aims and objectives of the Travel Plan; and
2. Not to use or occupy the Development unless:
 - (a) full details of a manual system to monitor vehicle trips to and from the Development have been submitted to and approved in writing by the Council; and
 - (b) the system referred to in (a) has been implemented and is operating to the satisfaction of the Council

The details to be submitted pursuant to (a) above shall include:

- how the system will be maintained
- how the data will be collected and the frequency of collection

- how the results will be reported to the Council and the frequency of such reports (which shall be reported on 72 hours notice in the event of either (a) concerns raised by the Council that the number of vehicle trips and/or vehicle parking may exceed the Permitted Amount or (b) complaints made to the Council by members of the public that the number of vehicle trips and/or vehicle parking may exceed the Permitted Amount);
- 3. If at any time the Council determines that number of vehicle trips to and from the Development and/or vehicle parking as recorded by the said approved system exceeds the Permitted Amount the Owner within 28 days of receipt of notice of the number of vehicle trip and/or vehicle parking s exceeding the Permitted Amount shall immediately implement Trip Excess Measure A.
- 4. Each and every time that the Council at its discretion determines that the number of vehicle trips to and from the Development and/or vehicle parking as recorded by Trip Excess Measure A exceeds the Permitted Amount the Owner within 28 days of receipt of notice of the number of vehicle trips and/or vehicle parking exceeding the Permitted Amount shall pay to the Council the Trip Excess Sum.
- 5. Any further vehicle movements and/or vehicle parking in excess of the Permitted Amount as determined by the Council pursuant to clause 4 above shall require further payments by the Owner of a Trip Excess Sum
- 6 Each Trip Excess Sum shall be expended by the Council only upon Trip Excess Measure B.

Llanycoed Travel Management Plan

Attached is the traffic management plan for Llanycoed Farm Development

NOTES:

1. The farm is a working sheep farm, diversification is required to make the farm work
2. Additional income will be generated from, holiday lets & training.
3. There will be 5 geo domes and 3 cottages.
4. It is envisaged in year 1 of the business running we will have 2 cottages & 5 geo-domes. The 3rd cottage will be built in the next 2 years.
5. This travel plan is for guests of the new holiday/training business (8 cars)
6. Residential & guests to our farmhouse and vehicles that have a right of access through the farm-yard The Old Man and Old Wood Cottage are out of scope for this travel plan.
7. The traffic plan in principle:
 - We will actively manage the business to ensure:
 - the business attracts only 8 additional cars.
 - they don't arrive and leave at the same time
 - peak times on existing background traffic are avoided
 - activities/facilities on the farm to avoid frequent trips to & fro using the roads
 - We will manage this prior to booking and during their stay
 - Our proof will be booking sheets and if required as a secondary measure CCTV footage (due to costs of storage of large video files we can only keep data for 1 month)
 - After 6 month (trial period) of operating we will review with HCC.

	GEO-DOMES (5 units)	COTTAGES (3 units)	TRAINING
No of Vehicles planned	5	3	1-8
How to manage no of vehicles	<ul style="list-style-type: none"> • Booking form: Restriction 1 car per unit And Reg Number details 	<ul style="list-style-type: none"> • Booking form: Restriction 1 car per unit And Reg Number details 	<ul style="list-style-type: none"> • Part of the training package we offer will allow for mini bus pick up & drop off from corporate HQ • Alternative will be car share And Reg number details will be required for booking confirmation • Legal Contract will restrict vehicles to no more than 8 vehicles
Monitoring	<ul style="list-style-type: none"> • Booking Forms kept for a year) • If required we will install CCTV as a secondary measure in car park (data kept for 1 month) • Cross-reference with CCTV footage and booking forms as some cars will be our own/or our friends or family. 	<ul style="list-style-type: none"> • Booking Forms kept for a year) • If required we will install CCTV as a secondary measure in car park (data kept for 1 month) • Cross-reference with CCTV footage and booking forms as some cars will be our own/or our friends or family. 	<ul style="list-style-type: none"> • Booking Forms & Contracts kept for a year) • If required we will install CCTV as a secondary measure in car park (data kept for 1 month) • Cross-reference • CCTV footage cross referenced with booking forms as some cars will be our own/or our friends or family.
	GEO-DOMES (5 units)	COTTAGES (3 units)	TRAINING
Measures	<ul style="list-style-type: none"> • Monthly recon to see expected vs. actual cars • A 6 month review will take place with HCC and thereafter annual update 	<ul style="list-style-type: none"> • Monthly recon to see expected vs. actual cars • A 6 month review will take place with HCC and thereafter annual update 	<ul style="list-style-type: none"> • Monthly recon to see expected vs. actual cars • A 6 month review will take place with HCC and thereafter annual update
Avoiding	<ul style="list-style-type: none"> • Check in 2.30 	<ul style="list-style-type: none"> • Check in 2.30 	<ul style="list-style-type: none"> • Check in 2.30

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

<p>Background Peak On average Week day peaks are 8.00-9.00am & 3.00-4.00 And week-end peak flows are 12.00-13.00</p>	<ul style="list-style-type: none"> • Check out 10.30 	<ul style="list-style-type: none"> • Check out 10.30 	<ul style="list-style-type: none"> • Check out 10.30 • We will dictate the training agenda and we will allow for a max of 8 vehicle x 2 way trips per day. • A record of these trips will be kept
<p>How to manage</p>	<ul style="list-style-type: none"> • We will offer Short breaks and week long breaks which will mean different units will have check in and check out on different days spreading the traffic load • Communication of check in and check out times upon booking, prior to them arriving & on website • 50% of our guests will come after work (from 5.00pm) in the evening and 50% during the stipulated check in times. This is normally staggered naturally • We are selling Farm Holidays, Farm Activities, Farm Shop, Some Catered Food, list of what to bring. This will keep them on the farm and will be communicated prior on the website and via email 	<ul style="list-style-type: none"> • We will offer Short breaks and week long breaks which will mean different units will have check in and check out on different days spreading the traffic load • Communication of check in and check out times upon booking, prior to them arriving & on website • 50% of our guests will come after work in the evening and 50% during the stipulated check in times. This is normally staggered naturally • We are selling Farm Holidays, Farm Activities, Farm Shop, Some Catered Food, list of what to bring. This will keep them on the farm and will be communicated prior on the website and via email 	<ul style="list-style-type: none"> • Communication of check in and check out times upon booking, prior to them arriving & on website • The agenda will allow for a max of 8 vehicle x 2 way trips per day avoiding peak times (eg. for dinner & drinks in the evening and for team building activities like canoeing in the morning) • We are selling Training with a set agenda and this will be communicated prior via email