

Agenda

Planning and regulatory committee

Date: **Wednesday 31 August 2022**

Time: **10.00 am**

Place: **The Conference Room, Herefordshire Council Offices,
Plough Lane, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson	Councillor Terry James
Vice-chairperson	Councillor Paul Rone
	Councillor Paul Andrews
	Councillor Polly Andrews
	Councillor Dave Boulter
	Councillor Sebastian Bowen
	Councillor Clare Davies
	Councillor Elizabeth Foxton
	Councillor John Hardwick
	Councillor Tony Johnson
	Councillor Mark Millmore
	Councillor Jeremy Milln
	Councillor Felicity Norman
	Councillor Ann-Marie Probert
	Councillor Yolande Watson

Agenda

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<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
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<p>6. 213836 - LAND AT WARMHILL AND HENGROVE WOODLAND, DEEPDEAN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SQ</p> <p>Proposed change of use of existing forestry shed, lean-to and open hardstanding area from forestry to a mixed use of forestry and forestry-related light industry and timber-based craft workshops.</p>	29 - 46
<p>7. 212199 - CAERWENDY FARM, ST WEONARDS, HEREFORD, HEREFORDSHIRE, HR2 8QF</p> <p>Proposed rural tourism venture, to include: conversion of two barns to provide 2 no. holiday lets, proposed 3 no. new holiday let units, proposed recreation barn with indoor swimming pool and separate proposed BBQ pavilion, use of existing bungalow as holiday let, car parking and landscaping.</p>	47 - 72
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<p>9. DATE OF NEXT MEETING</p> <p>Date of next site inspection – 27 September</p> <p>Date of next meeting – 28 September</p>	

The Public's Rights to Information and Attendance at Meetings

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We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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Public transport links

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Paul Rone (Vice Chairperson)	Conservative
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Dave Boulter	Independents for Herefordshire
Councillor Sebastian Bowen	True Independents
Councillor Clare Davies	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Ann-Marie Probert	Conservative
Councillor Yolande Watson	Independents for Herefordshire

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues

- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

PLANNING COMMITTEE

Date: 31 AUGUST 2022

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

212199 - PROPOSED RURAL TOURISM VENTURE, TO INCLUDE: CONVERSION OF TWO BARNs TO PROVIDE 2 NO. HOLIDAY LETS, PROPOSED 3 NO. NEW HOLIDAY LET UNITS, PROPOSED RECREATION BARN WITH INDOOR SWIMMING POOL AND SEPARATE PROPOSED BBQ PAVILION, USE OF EXISTING BUNGALOW AS HOLIDAY LET, CAR PARKING AND LANDSCAPING AT CAERWENDY FARM, ST WEONARDS, HEREFORD, HR2 8QF

For: Mr Sheppard per Miss Eleanor Watkins, No2 Questmoor Farm, Eardisley, Hereford, Herefordshire HR3 6LN

ADDITIONAL REPRESENTATIONS

OFFICER COMMENTS

In order to secure the proposed use as holiday accommodation, the Committee Report should include recommended condition as following:

The units hereby approved shall not be occupied other than for holiday purposes and shall not be used as residential dwellings, including any use within Class C3 of the Town and Country Planning(Use Classes) Order 1987 (as amended).

The unit shall not be occupied for more than 28 consecutive days and shall not be re-occupied by the same occupier following the 28 days consecutive days stay.

Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.

Reason: Having regard to Policy RA2 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation in this rural location.

CHANGE TO RECOMMENDATION

Additional condition as recommended above.

202258 - RETROSPECTIVE ERECTION OF NEW STABLES AND TURN OUT PADDOCKS, WITH ASSOCIATED WORKS AT SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ

For: Mr Lacey per Mr Ian Pople, 30 The Causeway, Chippenham, SN15 3DB

ADDITIONAL REPRESENTATIONS

The committee report covers the HCPRE representation at 5.2 of the report, however, it is also noted that in closing HCPRE provided the following statement;

We, HCPRE, strive to protect the open countryside and sensitive rural areas from inappropriate developments. We trust that you will consider the points raised in this objection when a decision is made on this retrospective application.

The Committee report notes that the Ramblers Association submitted representation of no objection; however, a further representation of **objection** was received.

Objection is in respect of detrimental impact/views from public footpath when walking north easterly along footpath towards Glowson Wood.

The Committee report notes that 15 letters of objections were received, on further scrutiny it is noted that 16 letters of objection were received.

A further representation from a local resident has been received stating that the site plan is not a true representation of the proposal in respect of the turnout pens. The location of the turnout pens has been assessed via further site visits and it is the considered opinion that the location of the L shaped turnout pens are as identified on the submitted site plan.

Finally the applicant's agent has submitted the following further information

1. This is a retrospective application for additional stables and turn out areas in connection with the existing racing stables, which were approved here in 2014. Cottage Farm Stables is a significant local employer with 14 staff, all living locally. The enterprise is an important part of the local economy.
2. The additional stables and turn-out area have been in existence for about four years, which has allowed plenty of time to assess their impact. It is clear that there is no significant impact on traffic generation or impact of neighbouring properties sufficient to warrant refusal of this application.
3. On the matter of foul drainage, this is unrelated to the existing application. The additional stables and turn-out area will not result in any change to the foul drainage arrangements, which have worked well for some years without incident. The work to discharge the outstanding planning condition is in hand.
4. Manure from the stables is spread on the applicants land and also spread on land belonging to farmers in the locality, to improve the quality of their land.
5. In terms of highways and access, the applicant has prepared a Traffic Management Plan which has been found by the County Highways Officer to be satisfactory. There are no reasonable grounds to refuse this application in terms of the impact on the local road network.
6. In terms of water consumption, the applicant has a borehole licenced by the Environment Agency. We do not anticipate any significant increase in water consumption as a result of this development. However, this is a matter for the Environment Agency, not the local planning authority and would not be reasonable to refuse this planning application on the basis of its water consumption.

OFFICER COMMENTS

All of the above have been reviewed and are not considered to raise any new planning considerations, which are not otherwise considered in the report.

CHANGE TO RECOMMENDATION

No change to recommendation.

Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 10 August 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Paul Rone (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Dave Boulter, Clare Davies, Elizabeth Foxton, John Hardwick, Jeremy Milln, Councillor F Norman, John Stone and Yolande Watson

In attendance: Councillor William Wilding

Officers: Senior Lawyer, Lead development manager and Katy Jones
Development Control

18. APOLOGIES FOR ABSENCE

(The meeting started at 10:15 a.m.; the delay to the start time had been caused by technical issues. The Chairman announced a change to the order of items; application 204443 – land adjacent to Old Kilns would be the last applications to be considered.)

Apologies for absence were received from Councillor Ann-Marie Probert.

19. NAMED SUBSTITUTES (IF ANY)

Councillor John Stone acted as a substitute for Councillor Probert.

20. DECLARATIONS OF INTEREST

Councillor Polly Andrew declared an other interest in application 220369 – Hereford Leisure Centre (cycle track) as a member of Hereford City Council.

Councillor Jeremy Milln declared an other interest in application 220369 – Hereford Leisure Centre (cycle track) as a member of Hereford City Council.

Councillor Elizabeth Foxton declared an other interest in application 220369 – Hereford Leisure Centre (cycle track) as a member of Hereford City Council.

21. MINUTES

RESOLVED: That the minutes of the meeting held on 29 June 2022 be approved.

(There was an adjournment at 10:22 a.m.; the meeting reconvened at 10:27 a.m.)

22. 220369 - HEREFORD LEISURE CENTRE, 37-39 HOLMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9UD

(Councillor Polly Andrew left the committee to act as local Ward member for the next application.)

The principal planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Kerry, spoke on behalf of Hereford City Council and Mr Haines spoke on behalf of the applicant in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary she expressed support for the application.

The committee debated the application.

The local ward member was given the opportunity to close the debate. In summary she emphasised the importance of the landscaping plan in the application.

A motion to approve the application, consistent with the case officer's recommendation, was proposed by Councillor John Hardwick and seconded by Councillor Paul Andrews. The motion was put to the vote and carried unanimously.

RESOLVED – That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. Time limit for commencement (full permission)

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.

2. Development in accordance with the approved plans

The development shall be carried out strictly in accordance with the approved plans, drawing no's:

- 15671-DB3-S01-XX-DR-A-90013 received 24.06.22
- 15671-DB3-S01-XX-DR-A-90006 received 24.06.22
- 15671-DB3-S01-XX-DR-A-90005 received 24.06.22
- 15671-DB3-B01-XX-DR-A-90003 received 24.06.22
- 15671-DB3-B01-XX-DR-A-90002 received 24.06.22
- 15671-DB3-S01-XX-DR-A-90001 received 24.06.22
- 15671-DB3-B01-00-DR-E-63001 received 13.04.22
- 15671-DB3-B01-00-DR-E-63002 received 13.04.22
- 15671-DB3-S01-XX-DR-A-90007 received 11.4.22
- 15671-DB3-S01-XX-DR-A-90004 received 11.4.22
- 15671-DB3-S01-XX-DR-A-90000 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20301 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20202 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20201 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20200 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20000 received 11.4.22
- 15671-DB3-S01-00-DR-A-20100 received 11.4.22

except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. Landscaping Plan

With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme is submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework 2021.

4. Landscaping Implementation

The hard and soft landscape works shall be carried out in accordance with the approved details (insert drawing no if appropriate) before any part of the development is first occupied / brought into use in accordance with the agreed implementation programme.

The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.

Reason: To ensure implementation according to the hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. Landscape Maintenance Plan

Before the development is brought into use, a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework 2021.

6. Surface Water Drainage Works

No development approved by this permission shall be commenced/occupied until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development hereby approved. The scheme shall detail infiltration testing results in order to correctly size the infiltration SuDS features.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Community Use Statement

The use of the cycle track and its associated facilities shall not commence until a community use statement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The community use statement shall be based on the document titled ‘Hereford Cycling Circuit’ received by the Local Planning Authority on 24.06.22 which provides a commitment to providing a community use statement for this facility. The community use statement shall address the items listed and shall include details of pricing policy, hours of availability, timetable and programme of use for access by community clubs/other community users, management responsibilities and a mechanism for review. Once agreed, the development shall not be used otherwise than in strict compliance with the approved statement.

Reason: to secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport to outweigh the loss of playing field and to accord with Policy SC1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2021.

8. External Lighting Hours

The external lighting hereby permitted shall be restricted to use only during the operation and maintenance periods of the cycle facility. No external lighting, except for security lighting, shall operate out of business/maintenance hours.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

9. Construction Management Plan

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan
- Incorporation of the undated draft Method Statement received 18.07.22.

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2021.

10. Contamination

No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Contamination Remediation Scheme

The Remediation Scheme, as approved pursuant to condition 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing

before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Surface Water

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

INFORMATIVES:

- 1. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.**
- 2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

(Councillor Polly Andrews resumed her seat on the committee.)

23. 221777 - RHYSTONE COTTAGE, LUGWARDINE, HEREFORD, HR1 4AP

(Councillor Paul Andrews left the committee to act as local ward member for the next application.)

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Ms Hoppe, spoke on behalf of Bartestree and Lugwardine Group Parish Council.

In accordance with the council's constitution the local ward member spoke on the application. In summary he explained that the application was a well-conceived design with positive elements such as rain water harvesting.

The committee debated the application. The committee sought the inclusion of the requirement for rainwater harvesting in condition 6. The committee sought the enhancement of condition 5 to strengthen arrangements for the storage and disposal of manure; in particular the location to be used for the storage of manure.

The lead development manager confirmed that the alterations to the conditions would be implemented through the delegation to offices contained in the recommendation.

The local ward member was given the opportunity to close the debate.

A motion to approve the application consistent with the case officer's recommendation and the alterations to the conditions, as listed above, was proposed by Councillor Boulter and seconded by Councillor John Stone. The motion was put to the vote and carried unanimously.

RESOLVED – That planning permission be granted subject to the following conditions, altered conditions 5 and 6, and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. C01 (Time Limit for Commencement)**
- 2. C07 (Development in accordance with approved plans and schedule of materials)**
- 3. CNS – The stable block hereby approved shall be for private use only for the benefit of the occupiers of land adjacent to Rhystone Cottage, Lugwardine, Hereford, Herefordshire, HR1 4AP and shall not be used for any commercial riding, training, breeding or any other form of equestrian enterprise at any time.**

Reason: In order to safeguard the character and amenity of the area and the local highways network and to comply with policy SD1, RA6 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2021.

- 4. CNS – At no time shall any external lighting except in relation to the immediate safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, unless otherwise agreed in writing with the Local Planning Authority. All lighting installed**

shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and policy SS6, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy.

5. **CNS – Unless otherwise approved in writing by the planning authority, all manure created by the equine use permitted under this permission shall be retained, stored and utilised within land owned by the applicant at the development site.**

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

6. **CNS – All surface water generated under the approved development shall discharge to appropriate soakaway systems, on land under the applicant's control.**

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

7. **CBK – Restriction on hours during construction**

Informatives

1. **IP2 (Application Approved Following Amendments/Additional Information)**
2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.**
3. **I12 – Adjoining Property Rights**
4. **I18 – Rights of Way**

(Councillor Yolande Watson left the meeting at 11:15 a.m.)

(There was an adjournment at 11:15 a.m.; the meeting reconvened at 11:32 a.m.)

(Councillor Paul Andrews resumed his seat on the committee.)

24. 204443 - LAND ADJACENT TO THE OLD KILNS, CHURCH LANE, HOWLE HILL, ROSS-ON-WYE, HR9 5SP (Pages 11 - 12)

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Ms Akers, spoke on behalf Walford Parish Council, and Mr Kendrick, spoke on behalf of local residents, an objection to the application.

In accordance with the council's constitution the proxy for the local ward member spoke on the application. In summary he commented that the application was not sustainable as there were very limited facilities locally. The local road network was not suitable for construction traffic. The local housing land supply had been achieved therefore there was not a pressing need for additional development in this location. The development was contrary to the National Planning Policy Framework which sought to restrict development in isolated locations. The application would have adverse effects upon the local wildlife. The water run-off from the site and surrounding hill was a significant problem which would be exacerbated by the proposed development. The proposed development was contrary to SS1 as it was unsustainable and SS4 due to the impact on the local traffic network. Furthermore the application was contrary to: SS7 as it increased the need to travel by private car; SS6 due to its impact on the local environment; and RA1 as the proposed number of houses was disproportionate to the size of Howle Hill. The neighbourhood development plan (NDP) was at an advanced stage and should be given more weight. The application would have an adverse effect upon the climate and ecological emergency which the council was committed to tackling.

The committee debated the application.

The proxy for the local ward member was given the opportunity to close the debate and explained that government regulations regarding the climate and ecological emergency were not sufficient therefore local decision-making needed to seek to address the emergency. The local housing target had been achieved. The local area was not suitable for this form of development. The planning appeal concerning another development site locally was not considered relevant due to the significance difference with the current application.

The Lead Development Manager advised that Howle Hill was identified in the Core Strategy as an area for housing growth and was therefore considered a sustainable location. Developments of this nature was not dissimilar to a site nearby which was allowed on appeal and was the form of 'organic growth' that members had requested for such areas. The NDP could only be afforded limited weight in the planning balance due to objections to the settlement boundary which the examiner would have to consider.

A motion that the application be refused as it represented unsustainable development and was located in open countryside was proposed by Councillor Polly Andrews and seconded by Councillor Felicity Norman. The unsustainable nature of the application was contrary to policies WALF4 and WALF20 of the Walford NDP. The location of the development in open countryside was contrary to policies RA2 and LD1 of the Herefordshire Local Plan Core Strategy. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that planning permission is refused; the application represents unsustainable development and is located in open countryside. The unsustainable nature of the application is contrary to policies WALF4 and WALF20 of the Walford NDP. The location of the development in open countryside is contrary to policies RA2 and LD1 of the Herefordshire Local Plan Core Strategy.

25. DATE OF NEXT MEETING

Noted.

The meeting ended at 12.43 pm

Chairperson

SCHEDULE OF COMMITTEE UPDATES

204443 - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND ADJACENT TO THE OLD KILNS, CHURCH LANE, HOWLE HILL, ROSS-ON-WYE,

For: Mr Jordan per Mr J Griffin, Zesta Planning Ltd, Basepoint Business Centre, Tewkesbury Business Park, Oakfield Close, Tewkesbury, GL20 8SD

ADDITIONAL REPRESENTATIONS

Further representation was received on 29 July from M Corbett reiterating objections raised in previous objections submitted. Further representation was received on 1 August from S Curtis echoing concerns raised in preceding representations submitted.

OFFICER COMMENTS

The additional representations have been reviewed and are not considered to raise any new planning considerations which are not otherwise considered in the report.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	31 AUGUST 2022
TITLE OF REPORT:	<p>213836 - PROPOSED CHANGE OF USE OF EXISTING FORESTRY SHED, LEAN-TO AND OPEN HARDSTANDING AREA FROM FORESTRY TO A MIXED USE OF FORESTRY AND FORESTRY-RELATED LIGHT INDUSTRY AND TIMBER-BASED CRAFT WORKSHOPS AT LAND AT WARMHILL AND HENGROVE WOODLAND, DEEPDEAN, ROSS-ON-WYE, HR9 5SQ</p> <p>For: Mr Newton per Mr Gavin John Hamilton, Prospect Cottage, Deepdean, Ross-On-Wye, Herefordshire HR9 5SQ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213836&search-term=213836
Reason Application submitted to Committee – Redirection	

Date Received: 14 October 2021

Ward: Kerne Bridge

Grid Ref: 361805,220790

Expiry Date: 31 December 2021

Local Member: Cllr Yolande Watson

1. Site Description and Proposal

- 1.1 This application relates to the proposed change of use of an existing forestry shed, lean-to and open hardstanding area from forestry to a mixed use of forestry and forestry-related light industry and timber-based craft workshops. It should be noted that the description was changed during the application process. The application relates to a small part of Warmhill and Hengrove Woodlands, which are located to the south-east of the county, near to the Gloucestershire border.
- 1.2 The change of use was previously sought under a prior approval process in 2021 (212796/PA6 refers) but the application was withdrawn as it was deemed that a forestry shed was not an agricultural use. Until recently the shed was in use by a sub-contractor who employed up to four people and carried out timber operations at the woodland. Currently, the shed and hardstanding is accommodating some machinery.
- 1.3 If permitted, the additional uses sought would be related to forestry and utilise timber that has been grown in the woodland. Over the last two and half years, about 1,500 tonnes of timber has been extracted from the wood in line with the agreed felling licence, most of it being transported off-site to nearby sawmills. The proposed change of use would lead to a reduction in the amount of timber extracted as the emphasis will be more on processing timber on-site and delivering related courses.

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

- 1.4 Warmhill and Hengrove is a Plantation on Ancient Woodland Site (PAWS), and Local Wildlife Site (SO62/004), with much of it being planted between 1957 and 1974 with non-native species as a productive timber crop. That crop is now reaching maturity and the current felling licence allows for up to 3,000 tonnes of timber to be extracted in the period up to July 2028.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green Infrastructure
- SD1 – Sustainable design and energy efficiency
- RA5 – Re-use of rural buildings
- RA6 – Rural economy
- SD3 – Sustainable water management and water resources
- SD4 – Wastewater treatment and river water quality
- MT1 – Traffic management, highway safety and promoting active travel

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

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

2.2 National Planning Policy Framework (NPPF)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

2.3 Walford Neighbourhood Development Plan (Reg 16 Submission Draft)

- WALF1 – Promoting Sustainable Development
- WALF2 – Development Strategy
- WALF4 – Conserving the Landscape and Scenic Beauty of the Parish
- WALF6 – Enhancement of the Natural Environment
- WALF8 – Wastewater Drainage
- WALF9 – Protection from Flood Risk
- WALF10 – Sustainable Design
- WALF12 – Highway Design Requirements
- WALF17 – Design and Appearance
- WALF22 – Use of Rural Buildings for Business

The site falls within the Walford Neighbourhood Area, where a submission draft Neighbourhood Development Plan (NDP) under Regulation 16 was published in June 2022. At this time the policies in the emerging NDP can be afforded limited to moderate weight, in line with paragraph 48 of the NPPF, which itself is a significant material consideration.

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed, are consistent with the NPPF and therefore attributed significant weight.

3. Planning History

- 3.1 212796/PA6 – Application to determine if prior approval is required for a proposed change of use of agricultural building to business and light industrial use Schedule 2, Part 3, Class R – Withdrawn on 10/09/21
- 3.2 181383/PA7 – Prior notification for open front shed for storage of machinery – Deemed consent

4. Consultation Summary

Statutory Consultations

4.1 The Coal Authority

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. In accordance with the agreed approach to assessing coal mining risks, if this proposal is granted planning permission, it will be necessary to include Standing Advice as an informative note to the applicant in the interests of public health and safety.

4.2 Forestry Commission

Ancient Woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to ASNW and PAWS sites. We refer you to Standing Advice on Ancient Woodland, plus the supporting assessment guide and case decisions.

4.3 Natural England

Awaiting a reply to consultation (deadline for comments Tuesday 16th August).

Internal Council Consultations

4.4 Environmental Health Officer

My comments are from a noise and nuisance perspective. In the earlier withdrawn application (212796) our department stated 'no objection'. I have given further thought to this proposal and the representations made by local residents on noise grounds. All the local residences are at some distance away and I take the view that whilst there may be occasions when there is audible noise arising from the proposal, this is not likely to be intrusive. In this sense it falls within the Planning Practice Guidance for Noise - noise exposure hierarchy that any noise will be either No Observed Adverse Effect Level or Lowest Observed Effect Level – the former requiring no specific measures, and the latter, mitigate and reduce to a minimum. I therefore recommend a condition regarding operating hours for noise generating plant and equipment.

4.5 **Transportation**

There are no highways objections to the proposed change of use. The scale of the building is not large enough to generate significant trips and the proposed courses are of limited attendees, which results in a sufficiently low cumulative impact. There is sufficient parking available to ensure that the operation of the highway is not compromised by vehicle parking. No conditions are recommended.

4.6 **Economic Development Manager – No response**

4.7 **Ecologist**

Original comments

The site is within the hydrological catchment which comprises part of the River Wye SAC; habitats recognised under the Habitats Regulations as being of international importance for its aquatic flora and fauna. The site is also within 4km of the Forest of Dean and Wye Valley Woodlands Bat SAC and within 7km of the Wye Valley Woodlands SAC. The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of all three SAC designated sites PRIOR to any grant of a permission. The LPA must complete the HRA process adopting a precautionary approach.

Notes in respect of HRA appropriate assessment

Approved Forestry Commission schemes (e.g. Felling Licences or Woodland Management Plans) are not scientifically or legally relevant in respect of the HRA process required to be undertaken by the LPA.

- The application includes a proposal for formal use of the site for light forest related industry and formal forest management options and the use as a base for training courses in woodland management and woodland crafts.
- This intensified use will create additional foul water flows.
- The application form indicates that a new septic tank will be installed to manage foul water flows but no supporting foul water strategy, location plans and relevant BS 6297 testing has been supplied.
- The LPA has no certainty that the proposed foul water management scheme can be achieved at this location and that the resulting (required for a septic tank) soakaway drainage field can be accommodated without impacting the surrounding designated Ancient Woodland and associated biodiversity.

A detailed foul water management scheme with supporting plans and relevant BS 6297 testing, supported by relevant ecological and arboricultural assessments and as relevant specific working methods is requested to provide required scientific certainty a foul water scheme can be achieved and will have no effects on local habitats and species both during construction and operation (effects of additional local nitrification).

The intensified usage has the potential to affect the foraging and commuting of bat species (and other protected species). The LPA in mitigation notes that:-

- As identified in the noise management strategy, no traffic will serve the site or machinery operated after 6pm or before 8am at any time of the year.
- No overnight occupation or use of the site is proposed.
- All visitors and employees will need to leave site by 6pm to comply with noise management proposals.

- This limitation of use will also provide the relevant mitigation in respect of disturbance to protected species and local wildlife. This limitation of use can be secured through a relevant condition on any permission granted.
- A restriction to ensure no external lighting is operated outside of 'operational hours' can ensure the local dark landscape that benefits local amenity and nature conservation can be secured by a condition on any permission granted.

Once the required detailed information on foul water management has been supplied and considered the LPA can look to progress the required HRA appropriate assessment process, recommend conditions and seek a final, required, consultation response from Natural England – prior to any permission being granted.

At this time due to legal and scientific uncertainty over effects on the SAC designations and nutrient neutrality not secured there is an identified Adverse Effect on the Integrity of the River Wye SAC; Forest of Dean and Wye Valley Bat SAC and the Wye Valley Woodlands SAC. There is also no certainty that the proposed development will not affect or harm local protected species populations. An Ecology OBJECTION is raised as the application does not demonstrate compliance with local and national policy.

Other ecology comments

The applicant is reminded that holding a management agreement and/or felling licence from the Forestry Commission does not permit works that would otherwise be a breach of the Wildlife & Countryside Act 1981 in respect of protected species and other flora and fauna that could be impacted by ANY works being undertaken. The LPA recognises that woodlands require appropriate management that when undertaken sympathetically should over time provide an ecological benefit. This planning application process does not specifically control, manage or enforce this appropriate management; that is monitored and as required enforced by other competent authorities and primary legislation. Subject to the final HRA being completed and a no objection response received from Natural England and relevant conditions being imposed there are no other ecology comments or objection.

Comments dated 26th July 2022

Notes in respect of HRA

River Wye SAC: The drainage report by H+H Drainage dated 25th June 2022 and the foul and surface water strategies therein are noted and refer.

- The application includes a proposal for formal use of the site for light forest related industry and formal forest management options and the use as a base for training courses in woodland management and woodland crafts.
- This intensified use will create additional foul water flows.
- The foul water from the development is to be managed utilising the existing septic tank with outfall to a new soakaway drainage field under the control of the applicant.
- The septic tank has sufficient capacity to manage any additional flows discharging to it and is compliant with the General Binding Rules.
- The new 50m² drainage field will be constructed in an area where percolation tests indicate adequate drainage and with an invert depth of no deeper than 1m below ground level as specified in the drainage report.
- As there is no proposal for loss of buildings, additional buildings or modification to the existing building in terms of structure, no significant change or increase in surface water will be created by the proposed development.

Wye Valley Woodlands SAC/Wye Valley & Forest of Dean Bat SAC: The intensified usage has the potential to affect the foraging and commuting of bat species (and other protected species – in particular nocturnal species). The LPA in mitigation notes that:-

- There are no significant changes in local environment identified from the proposed change of use in respect of bat populations including those associated with the WVV and WVFoD SACs. This application is considered as ‘screened out’ from requiring any further appropriate assessment process.

Subject to a formal ‘no objection’ to the required HRA appropriate assessment by Natural England, the following conditions are suggested on any permission granted.

Other Ecology comments

The Phase 1 / Preliminary Ecological Assessment and Mitigation Report by Europeaus Land Management Services dated November 2021 is noted. From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. There are relevant species records within the wider locality. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance, this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However, a relevant information note is requested.

In support of NPPF, Core Strategy and declared Climate and Ecological Emergency and as supported by wider national strategy and regulations, all developments should provide clear and sustainable biodiversity net gain for the lifetime of the development. A condition to require proportionate Biodiversity Net Gain enhancement measures to be installed is requested as part of any permission granted.

5. Representations

5.1 Walford Parish Council

Original comments

Walford Parish Council voted to object to this application on the basis that both the location and access to this site are not appropriate for this development and may cause damage to a designated ancient woodland.

Comments following additional information

Walford Parish Council voted to support this application but wished to add that a) any new activities permitted are limited to a working day of 8am to 6pm; and b) that noise (particularly chainsaw) and additional lighting are kept to a minimum.

5.2 Herefordshire Campaign to Protect Rural England (CPRE) –

This proposed change of use is set within a PAWS designated on Natural England’s Ancient Woodland Inventory and should be protected from any invasive development. Both Warmhill and Hengrove Woodlands are on the list of designated Ancient and Semi Natural Woodlands with protected status. The forestry shed and ancillary buildings subject to this proposed change of use are set within the woodland. Our concern is the possible damage to this sensitive site through the intensification of the use of the forestry shed, with the resultant increased traffic and the inevitable noise, light and general disturbance. This is a peaceful, rural area and although

it is conceded that some occasional commercial logging activities are necessary for a viable forestry enterprise, the proposed regular industrial and educational activities will be more frequent. The proposal contradicts paragraph 180 of the updated NPPF, which states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons. We do not believe that this proposal provides such justification.

5.3 Woodland Trust

Original comments

Just to let you know we did assess these proposals, but have no comment to make with regard to ancient woodland and trees.

Comments dated 11th April 2022

We are concerned by a recent statement submitted by the applicant's agent and other information that has come to light. Firstly, we would like to address the agent's email which states that "Warmhill and Hengrove is almost exclusively Planting on an Ancient Woodland Site [sic], not Ancient Woodland." This statement demonstrates a fundamental misunderstanding of ancient woodland and its importance and as such we do not have confidence in the applicant and their agent to ably manage the change of use of the area in question and respecting its conservation importance. PAWS are very much a form of ancient woodland, which is recognised across the forestry sector and is outlined within Natural England and Forestry Commission's standing advice for ancient woodland. It is concerning that the applicant does not understand this.

The sustainable use of ancient woodland for conservation and educational purposes is to be welcomed, however, it must be done in an appropriate and sensitive manner that will not result in increased disturbance and consequent harm to the ancient woodland. We encourage the sustainable use of privately-owned woodland and where PAWS is being used for commercial timber would encourage management in line with ancient woodland restoration principles. We note from the application form that the number of car parking spaces is proposed to increase and that various other elements will be installed on site. It is unclear from other plans where these elements would be sited or whether they would be in areas of existing use. It is also concerning that the applicant has stated that there are no trees or hedges on or adjacent to the site.

We are also aware of further plans for the site to establish additional infrastructure elements. We have been alerted to the attached flyer and would appreciate confirmation as to whether this is a representation for the site in question as such use could have repercussions for the ancient woodland's character and conditions.

At present, there is not sufficient information available to determine how the proposals would impact the ancient woodland and what mitigation measures will be in place to protect the woodland from any adverse impact. In cases where works are proposed within ancient woodland, we would expect to see an Arboricultural Impact Assessment with a Tree Survey, as well as an Ecological Appraisal. None of this appears to have been supplied to date. As such, the Trust maintains a holding objection.

Comments dated 4th May 2022

To address the applicant's point around the Trust having visited the site, we consider this a moot point as it is not a requirement for those commenting on an application. Instead, it is important that the full breadth of information is included to allow the public to comment appropriately on the proposals. In this vein, we acknowledge our misstep in not identifying the presence of an

Ecological Appraisal, though we maintain that such applications should ideally also provide a Tree Survey and Arboricultural Impact Assessment as a means of ensuring that any change in use of an ancient woodland site will not affect the trees and their rooting environment. This remains relevant to this application as the proposals suggest increased activity and vehicle movements.

We have now seen the photographs of the site included in the Ecological Appraisal and can appreciate that some level of compaction has occurred around the building already. It is important that use of the site is limited to the areas presently used and the footprint of the building and existing parking areas is not extended in any way. Regarding concerns around increased use of the site, the increase in use does not appear to be significant; however, if the Council is minded to approve this application we would suggest a condition that requires the applicant to establish a monitoring programme to understand whether the change of use is impacting on the woodland.

Regarding the designation of the woodland, it is important the applicant understands that ancient semi-natural woodland (ASNW) and plantation ancient woodland sites (PAWS) are both distinct forms of ancient woodland, and while each type will require different methods of management, both ASNW and PAWS must be treated equally in terms of their protection. Invasive and intensive management should be avoided as far as is possible, with less intensive management employed to avoid damage to ancient woodland soils, ground flora, the shrub layer and fungal networks.

In relation to our request for confirmation of the authenticity of the flyer we attached to our previous email, we are thankful to the applicant for confirming that the flyer in question has no relation to them or the application.

5.4 Herefordshire Wildlife Trust

Herefordshire Wildlife Trust would like to express its concern regarding the application. The site proposed is both a designated ancient woodland site and a local wildlife site. We are concerned that without additional mitigations the application may be contrary to local planning policies SS6 and LD2. It was unclear to us, from the application, how the change in use was going to be implemented. For example, the application states that sewage will be stored in a septic tank but an existing septic tank was not noted on the plans. The work required to install a septic tank would need to be managed to limit the impacts on the surrounding woodland. We note that an ecological impact assessment has been completed, however, as is noted in the report the surveys were not carried out at the ideal season for many species and therefore it may have underestimated the impact on protected species, in particular bats, who may use the access track and open areas for feeding. The design statement says that activities will be run between 8am and 6pm, which during the winter I would assume require lighting. Too much artificial lighting can affect the behaviour of both nocturnal and day light hunting animals. It is possible to minimise the impact of artificial lighting and we would like to see such mitigations considered in the application.

5.5 Third Party comments in objection (as summarised by the case officer)

- Loss or damage to ancient woodland
- Intensification of activity on site will lead to harm to irreplaceable habitats
- Increased trampling effects and potential for litter and fire damage
- Increased noise and artificial lighting within the woodland
- The site receives a Countryside Stewardship grant for enhancing biodiversity
- This area is designated as a Local Wildlife Site
- Potential for increased pollution through human effluent
- Increased hardstandings can lead to issues with contaminated run-off
- Cumulative impacts on the woodland in combination with other activities

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

- Industrial activity would be inappropriate to this natural setting
- There are already other woodcraft skills workshops
- The hours of operation should be carefully controlled in the interests of amenity
- The shared access track (unmetalled) is not suitable for increased traffic and HGVs and damage has already been caused to the surface
- The site is only 150m away from homes and private gardens
- The proposal amounts to overdevelopment in a peaceful valley
- The proposal may well add to the flood risk of neighbouring properties
- There was no due diligence in approval of application 181383/PA7
- During 2018-2021, a woodcraft business operated from the site and this caused great disturbance to neighbouring houses
- The proposals would give rise to more continuous activity on-site
- There is little mitigation offered within the Noise Management Plan
- This is a 'Dark Skies' area that would be adversely affected
- There could be an increase in the risk of crime due to publicity
- There is no detail about 'Open Days' and what this might entail
- There is little clarity about the number of available parking spaces
- Further information is needed in respect of waste management
- There are bats and other protected species within Deepdean
- There is no clarity on where existing forestry activities would be displaced to
- There is potential for storage of hazardous substances
- The proposal would harm the existing sense of peace and tranquillity. Rather, it would likely result in a statutory noise nuisance
- There are not enough passing places to accommodate the increased traffic
- The public highway serving the site is narrow and already subject to damage
- Use of green, unseasoned wood is not practicable and so this will lead to wood being imported and undermines the rationale for locating the work here
- The application provides for a 50sqm drainage field to be installed

5.6 **Third Party comments in support** (as summarised by the case officer)

- As a qualified carpenter, I have already worked on the site numerous times over the years, without issues arising
- I am not aware of noise complaints that have been submitted by neighbours, despite a wood crafting workshop being operated
- Rather than install a noisy petrol version, an electric sawmill has been installed
- This is already an active and managed forest where logging takes place almost every winter and forestry management all year round
- The proposed activities would be likely to attract smaller vehicles than forestry
- The existing workshop is insulated, thereby limiting noise externally
- The proposal is sustainable as it would allow for some of the timber harvested to be processed and used on site; thus reducing the number of logging trucks
- This scheme would allow traditional skills and knowledge to be passed on
- I run a local furniture making business and considering relocating my business to the workshop at Warmhill Woods
- We feel that the two businesses would complement each other
- I generally use hand tools and when power tools are needed they are of a light industrial nature and tend not to be particularly loud
- The vast majority of my work is local, thereby adding to sustainability

- 5.7 The consultation responses and representations can be viewed in full on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213836&search-term=213836

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy. The emerging Walford NDP (Reg 16 stage) and the National Planning Policy Framework (NPPF) are also material considerations to which varied weight is attached.
- 6.3 Policies RA5 and RA6 of the Core Strategy are both relevant to this application. The former, in respect of the intention to re-use an existing rural building; and the latter, in respect of supporting a prosperous rural economy, in line with Section 6 of the NPPF. RA5 states that the sustainable re-use of redundant or disused buildings, which will make a positive contribution to rural enterprise and support the local economy, will be permitted subject to meeting defined criteria. Moreover, RA6 states that employment generating proposals which help diversify the rural economy will be supported, including proposals which support the retention and/or diversification of existing agricultural businesses. This is regarded as relevant notwithstanding the reference to agriculture as opposed to forestry.
- 6.4 Whilst noting its relatively recent construction, the forestry shed subject to this application is currently underutilised and the proposal would not have any adverse impacts associated with its appearance, or its influence on landscape character. The visual impact, for instance of parked cars, is ameliorated by the site's location within a woodland. Both policies are subject to more general development criteria, such as impacts on highway safety, protected species and neighbouring amenity, which are to be assessed in detail as part of the ensuing sections of this report.
- 6.5 In short, the principle of development is considered to be acceptable under adopted local policy subject to the matters below; and support is also accrued from Section 6 of the NPPF insofar as it seeks to promote rural prosperity through the diversification of agricultural and other land-based businesses. Proportionate weight is to be attached, as a benefit of the development within the overall balance, to the fact that the proposal would lead to small-scale employment and upskilling of local people. In the event that permission is granted, conditions could be imposed to restrict the nature of the new uses in the interests of amenity and conservation of the woodland habitat.
- 6.6 Reference in certain representations to a "Village of Dean" promotional flyer relating to the woodland as a whole has been queried with the Agent. In response, Officers were advised that *"this was not sought by or sanctioned by anyone connected with Warmhill and Hengrove, and that at no time would it have been entertained as a proposal, or anything that we would ever be*

inclined to adopt". Officers stress that the decision to be made should relate solely to the merits of this specific application proposal.

Impact on the woodland

- 6.7 Natural England and the Forestry Commission define ancient woodland as an irreplaceable habitat, which is important for its wildlife, soils, recreational value and cultural, historical and landscape value; and has been wooded continuously since at least 1600AD. It includes PAWS (Plantations on Ancient Woodland Sites) replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.
- 6.8 PAWS are given equal protection in the NPPF regardless of the woodland's condition, size or features. Paragraph 180 is of particular relevance, as supported by relevant Planning Practice Guidance (PPG). This states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.9 It should be noted that Ancient Woodland is not defined as a 'sensitive area' for the purposes of the EIA Regulations 2017 (as amended). Notwithstanding this, the environmental effects of the proposal still fall to be assessed. The proposal is limited to the existing forestry shed and surrounding hardstanding area that have been in use for many years; and it does not involve building or engineering works (other than a new drainage field) or changes to the wider woodland. This PAWS woodland was planted as a timber crop during the 1960s and 1970s; and significant on-site work involving heavy machinery has occurred for a number of years, in order to harvest the crop.
- 6.10 As part of a management plan agreed with the Forestry Commission in 2018, the owners have put in place a number of processes to enhance biodiversity within the woodland, which are not affected by this proposal. Moreover, within relatively recent times, the woodland has entered into a Higher Tier Countryside Stewardship agreement with Natural England to enhance biodiversity. The Agent has cited examples of biodiversity initiatives within the woodland, in conjunction with local ecologists. Moreover, as it is a private woodland, its wider proposed use might increase interaction; enabling access for people who do not currently benefit.
- 6.11 A copy of the woodland management plan has been submitted, which sets out details on how the existing woodland is managed and alludes to associated felling and thinning licences. This updated version has yet to be agreed by the Forestry Commission but embraces a wide range of relevant matters, including ecology; and sets out objectives that are to be achieved by a prescribed date. A copy of the approved felling licence, running until 19th July 2028, has also been submitted.
- 6.12 The intention of the proposal is to carry out craft-based processing of the timber grown in the woodland. Although it will still need to be cropped to maintain its health and structure, it is envisaged that smaller quantities will be removed over a longer period rather than being sold 'en-masse' on the open market. As such, processes associated with commercial forestry operations would reduce. There has been criticism of the suggested use of timber from the woodland on the basis of unseasoned wood being unsuitable. The Agent has responded by advising that green woodworking is a well-known practice, with green wood being much softer than seasoned timber and easier to shape with hand tools. This does not preclude laying down some timber to season for future use in other forms of woodcraft.
- 6.13 Turning to other relevant comments, the Forestry Commission's response to the application is not a bespoke appraisal of the proposals. Instead, it directs the LPA to relevant policy and guidance. The Woodland Trust however raised some initial concerns about a lack of sufficient information and mitigation to avoid adverse impacts on the ancient woodland. Its most recent

comments reflect a suggestion for a condition requiring monitoring of effects; a matter on which Officers have been guided by the Council's Ecology comments.

- 6.14 In summary, the host woodland is a well-established and productive countryside feature that has been in the same family ownership for 55 years. There are no ostensible direct impacts, such as loss of woodland, associated with the proposals that are under consideration. Rather, given the nature of the development, the effects are more indirect, due to operational issues such as lighting, vehicle movements, noise disturbance and pollution, which have the potential to harm species living within the habitats surrounding the existing shed. These matters will be assessed as part of the ensuing sections of this report.

Highway safety

- 6.15 The access to the shed is along an existing unmade, privately-owned track. Whilst this is shared with residential properties, it is stressed that the woodland is accessed along the same track, and is used every 12/24 months by HGVs in order to remove the felled timber. It is understood that this process can last several months and typically involves 30 or more lorries. Outside of that time, there are several vehicles involved in maintenance of the woodland.
- 6.16 The proposal has been subject to scrutiny by the Council's Area Engineer and no objections have been raised, notwithstanding the various local concerns. As a change of use, it was considered that the scale of the building is not large enough to generate significant trips, and as the proposed courses are for limited attendees, this will result in a sufficiently low cumulative impact. There is sufficient parking space available to ensure that the operation of the highway is not compromised by parking. It is understood that 10 vehicles represents the likely maximum number of visitors at any one time, albeit it would not be reasonable or enforceable to impose any conditional restrictions. Any traffic generated will likely be cars or light commercial vehicles suitable to light industrial use.
- 6.17 No conditions are necessary to control the highway safety aspects of the development.

Noise nuisance

- 6.18 Paragraph 185 of the Framework, inter alia, seeks to ensure that the planning system mitigates and reduces to a minimum potential adverse impacts resulting from noise from development; and avoids noise giving rise to significant adverse impacts on health and the quality of life.
- 6.19 Historically, the use of the shed was for forestry purposes, providing storage of forestry materials and products; a maintenance area and storage for machinery (tractors, loaders, forwarders and chainsaws); and a dry work area and for welfare. For several years, woodland thinnings have been brought to the area adjacent to the shed to be exported by lorry to nearby sawmills. Some of this timber has also been processed on site as round poles and also as sawn timber by use of a mobile sawmill regularly located to the front of the shed; thereby necessitating use of the mill and chainsaws in this area.
- 6.20 The proposed change of use will be limited to handcrafts and workshop activity relating largely to woodland products, using either hand tools or low-powered tools and machinery; and to teaching and courses related to woodland crafts and activities. Apart from exceptional circumstances such as open days, it is stated that the use of the building would be limited to up to 12 people.
- 6.21 The Agent has therefore argued that, whilst thinning and extraction will continue from the woodland in line with the felling licences, activity and noise involving heavy machinery and chainsaws in the vicinity of the shed would be reduced. It is also the intention of the owners and management of Warmhill and Hengrove Woodland to put in place reasonable measures to

reduce the impact of activities associated with the use of the shed and to help eliminate avoidable noise through a Noise Management Plan.

- 6.22 It is clear that all year round activity on site would be increased. Notwithstanding the fact that light industry is limited to industrial processes which can be “*carried out in residential areas without causing detriment to the amenity of the area*”, the comments of the Council’s EHO are relevant. It has been observed that the local residences who have objected all lie some distance away. Whilst there may be occasions when there is audible noise arising from the proposal, this is not likely to be intrusive. In this sense, it falls within the PPG noise exposure hierarchy that any noise will be either No Observed Adverse Effect Level (NOAEL) or Lowest Observed Effect Level (LOEL).
- 6.23 It is proposed that use of noise generating plant and equipment be limited to 0800 to 1800 hours (Monday to Saturday) and such activity be confined to the shed. A condition to this effect, and a further condition limiting the permitted uses, therefore add control over and above that which may be exercised under Environmental Health legislation. Your Officer is conscious of practical difficulties in identifying forestry activity and what is a related light industrial or craft workshop use, however, given the specific relation of the condition to the existing building, it is considered enforceable. It would be unreasonable to seek to restrict wider commercial forestry activity given the established use rights and the nature of forestry work.
- 6.24 Overall, the potential for noise effects can be satisfactorily mitigated and managed.

Ecology and the biodiversity value of the woodland

- 6.25 Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the local plan. Decisions should also recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the benefits of trees and woodland. Paragraph 185 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise. Notably, decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Policy LD2 is wholly consistent with the above NPPF requirements.
- 6.26 The site is within the hydrological catchment which comprises part of the River Wye Special Area of Conservation (SAC); habitats recognised under the Habitats Regulations as being of international importance for its aquatic flora and fauna. The site is also within 4km of the Forest of Dean and Wye Valley Woodlands Bat SAC and within 7km of the Wye Valley Woodlands SAC. The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of all three SACs prior to any grant of permission.
- 6.27 To support the application, an ecological appraisal and ensuing report was commissioned in November 2021, as carried out by Europaeus Land Management Services. This concludes that there is negligible or no impact associated with the change of use on the surrounding habitat. Several recommendations for enhancement are suggested in the report and these could be secured by condition requiring demonstration of compliance. A condition can also be used to restrict external lighting outside of ‘operational hours’; to ensure the local dark landscape continues to benefit local amenity and nature conservation.

- 6.28 As regards impacts on the River Wye SAC, the drainage report by H+H Drainage dated 25th June 2022 and the foul and surface water strategies therein have been carefully noted. The HRA appropriate assessment prepared by the Council's Ecologist makes the following observations:-
- The application includes a proposal for formal use of the site for light forest related industry and formal forest management options and the use as a base for training courses in woodland management and woodland crafts.
 - This intensified use will create additional foul water flows.
 - The foul water from the development is to be managed utilising the existing septic tank with outfall to a new soakaway drainage field under the control of the applicant.
 - The septic tank has sufficient capacity to manage any additional flows discharging to it and is compliant with the General Binding Rules.
 - The new 50m² drainage field will be constructed in an area where percolation tests indicate adequate drainage and with an invert depth of no deeper than 1m below ground level as specified in the drainage report.
 - As there is no proposal for loss of buildings, additional buildings or modification to the existing building in terms of structure, no significant change or increase in surface water will be created by the proposed development.
- 6.29 Moreover, in respect of the nearby Wye Valley Woodlands SAC and the Wye Valley & Forest of Dean Bat SAC, the intensified usage has the potential to affect the foraging and commuting of bat species (and other protected species). The Council's Ecologist, as part of the HRA appropriate assessment, has remarked that there are no significant changes in the local environment identified from the proposed change of use in respect of bat populations, including those associated with the WVV and WVFoD SACs. The application was 'screened out' from requiring any further appropriate assessment.
- 6.30 The LPA has concluded that there would be no adverse effects on the integrity of the three SACs. Subject to the outcome of consultation with Natural England on the HRA appropriate assessment, a condition requiring compliance with the drainage report recommendations has been suggested on any permission granted. An update on Natural England's response will be provided to the Planning Committee. It can however be concluded that all relevant ecology matters have been addressed; and that no further conditions, including monitoring of effects, are considered to be necessary.

Conclusion

- 6.31 Drawing together the above, the proposal is considered to accord with the development plan when read as a whole, which is not outweighed by any other material considerations. The proposed change of use would amount to a sustainable form of development in a rural area and no significant conflict is found when assessed against the policies in the NPPF taken as a whole. Whilst observing the tension that could arise between light industrial activities in a sensitive woodland setting, the effects could be acceptably mitigated or otherwise managed in this case. Importantly, the foregoing appraisal demonstrates that there would be no loss or deterioration of irreplaceable habitats, such as ancient woodland (PAWS).
- 6.32 The change of use of the existing shed would complement the well-established commercial forestry operations within the wider woodland and is appropriate in scale, bringing woodland crafts and some opportunity for woodland-related courses to the local rural area.

RECOMMENDATION

That subject to the receipt of a positive response from Natural England in relation to the Habitat Regulations Appropriate Assessment, planning permission be granted subject to the following conditions and any other further conditions/amendments considered necessary by officers named in the scheme of delegation to 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.

2. The development shall be carried out strictly in accordance with the approved plans (Location Plan 1:10000; Site Plan 1:500; and Drainage Plan 1:500), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. The mixed use of the existing shed, lean-to and hardstanding hereby permitted (excluding existing forestry operations) shall be limited to forestry-related light industry and/or timber-based craft workshops falling within Class E (g) (iii) and Class F1; and for no other purpose (including any other purpose in Classes E and F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wishes to control the use of the site, in the interests of safeguarding residential amenity and the tranquil quality of the surrounding woodland, in line with Policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and advice found in Section 15 of the National Planning Policy Framework.

4. The use of noise generating plant and equipment in association with the uses hereby permitted (excluding existing forestry operations) shall be restricted to 0800 to 1800 hours Monday to Saturday; and this noise-generating activity shall only take place within a fully enclosed part of the building(s). There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Prior to initiating the mixed use hereby permitted, an annotated location plan and supporting images or an ecologist's report confirming the installation of appropriately located 'fixed' habitat features, such as habitat boxes supporting a range of bird species and bat roosting features, on land under the applicant's control shall be supplied for the written approval by the local planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6 LD1, LD2 and LD3.

6. At no time shall any external lighting except in relation to safe use of the existing buildings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. No external lighting should illuminate any biodiversity enhancement, boundary feature, highway corridors or adjacent habitats. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species, available from the Institution of Lighting Professionals.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA, 2013).

7. Unless otherwise approved in writing by the local planning authority, all foul water shall discharge through connection to the existing septic tank discharging to a new soakaway drainage field as identified in the drainage report prepared by H+H Drainage and dated June 2022.

Reason: In order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

8. Prior to initiating the mixed use hereby permitted, a scheme for the provision of storage, prior to disposal, of refuse and waste materials, and an associated timetable for implementation, shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in accordance with the approved timetable.

Reason: In the interests of amenity and avoiding contamination of the woodland setting, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the 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. The application site lies within a Development Low Risk Area, as defined by The Coal Authority. The Low Risk Area is where past coal mining activity has taken place at sufficient depth that it is likely to pose a low risk to new development. To minimise the risks to public health and safety, and related liabilities, it is important that wherever your site is located, you make appropriate consideration of the risks posed by coal mining features.
3. In respect of condition 5, it is recommended that the biodiversity enhancement measures outlined in the ecological assessment report are adopted.

4. The Authority would advise the applicant and contractors that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act 1981, with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the county. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. It is noted that a Working Method Statement is included in the submitted ecological assessment and these recommendations should be adopted.

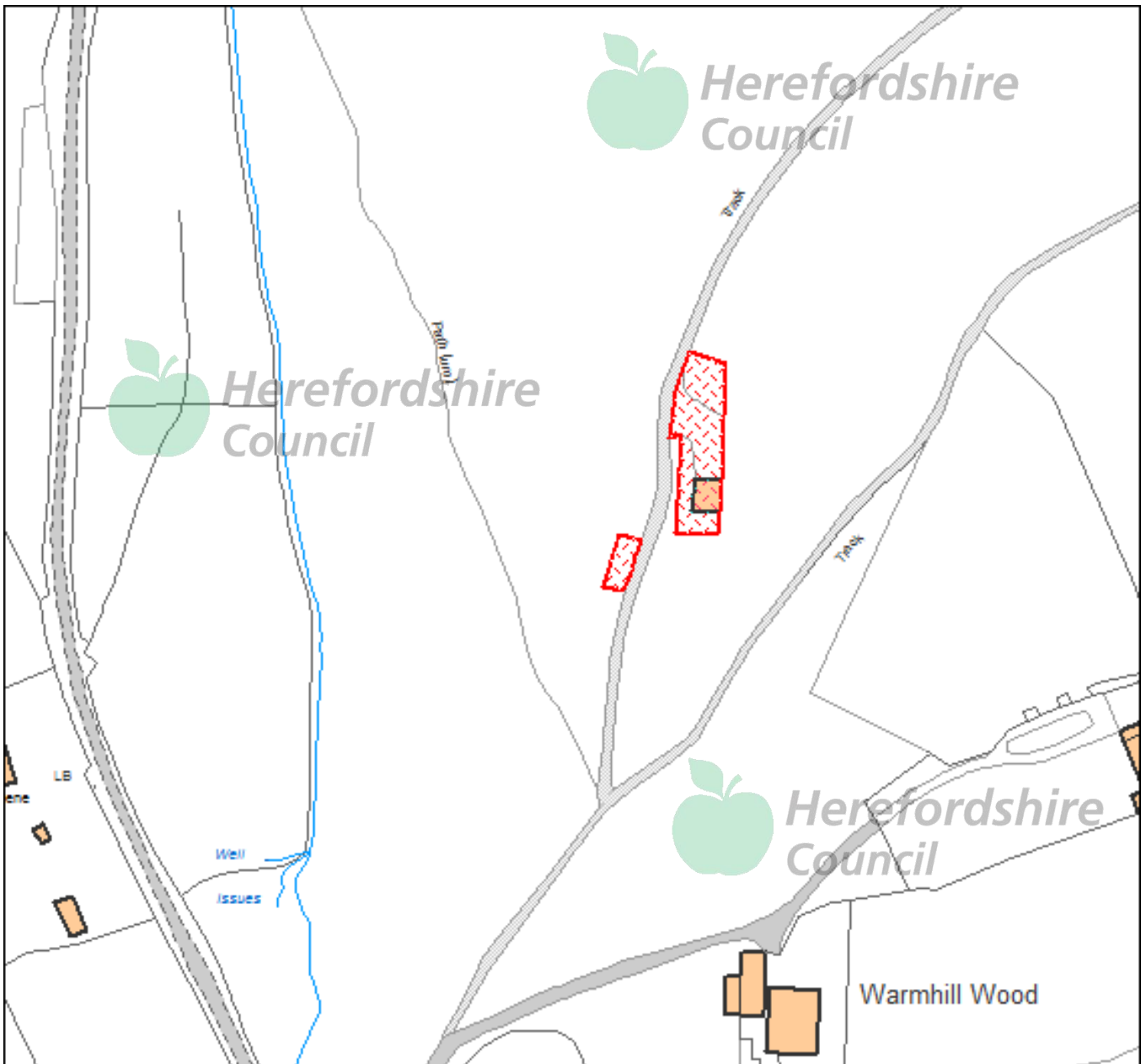
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 213836

SITE ADDRESS : LAND AT WARMHILL AND HENGROVE WOODLAND, DEEPDEAN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SQ

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	31 AUGUST 2022
TITLE OF REPORT:	<p>212199 - PROPOSED RURAL TOURISM VENTURE, TO INCLUDE: CONVERSION OF TWO BARNs TO PROVIDE 2 NO. HOLIDAY LETS, PROPOSED 3 NO. NEW HOLIDAY LET UNITS, PROPOSED RECREATION BARN WITH INDOOR SWIMMING POOL AND SEPARATE PROPOSED BBQ PAVILION, USE OF EXISTING BUNGALOW AS HOLIDAY LET, CAR PARKING AND LANDSCAPING AT CAERWENDY FARM, ST WEONARDS, HEREFORD, HR2 8QF</p> <p>For: Mr Sheppard per Miss Eleanor Watkins, No2 Questmoor Farm, Eardisley, Hereford, Herefordshire HR3 6LN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212199&search-term=212199
Reason Application submitted to Committee - Redirection	

Date Received: 1 June 2021
Expiry Date: 26 August 2021
 Local Members: Cllr Toni Fagan

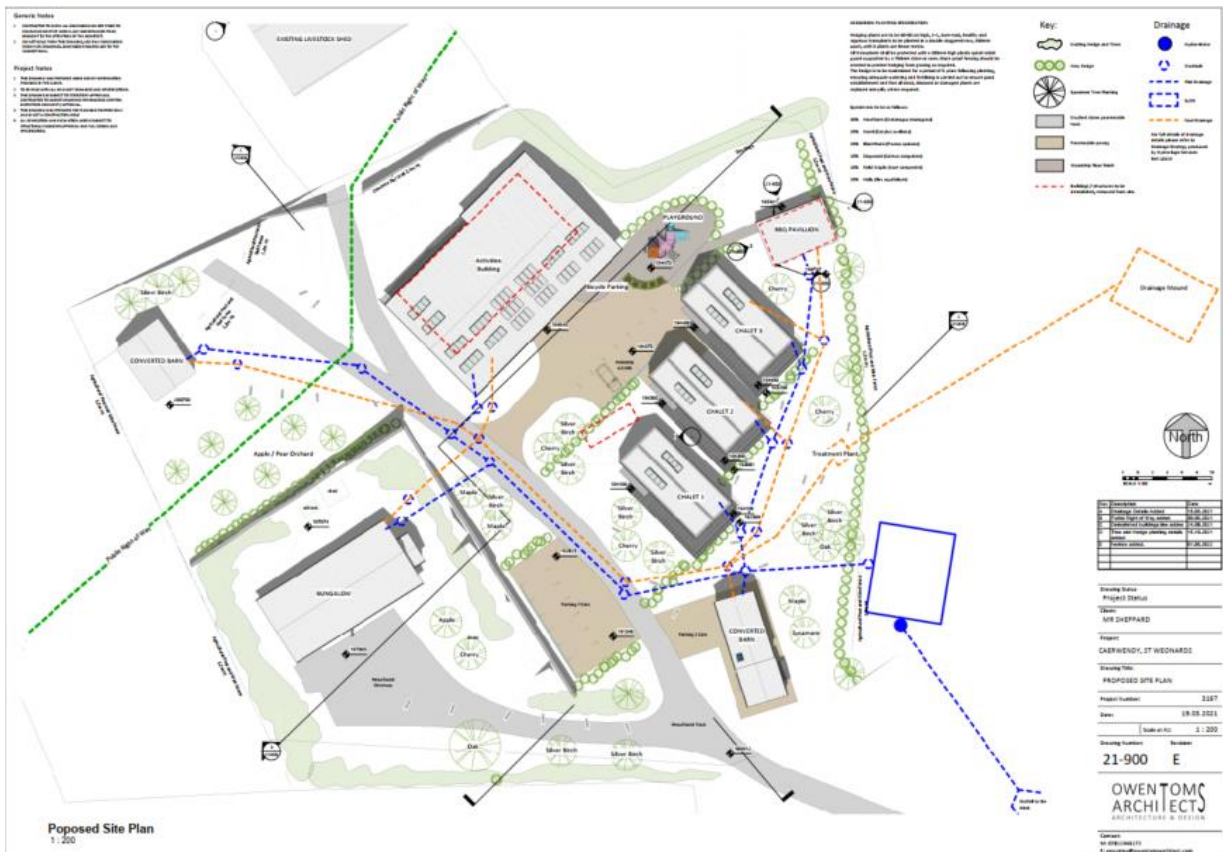
Ward: Birch

Grid Ref: 346524,225051

1. Site Description and Proposal

- 1.1 Caerwendy Farm is a small farmstead located approximately 1.8 miles to the west of St Weonards, accessed off a private drive from the C1236. Caerwendy Farm is run as part of a larger agricultural business operated by the applicant, comprising 3 other principal neighbouring holdings with the farmland run as a single unit. The site is located 2.3 miles west of the A466 Monmouth-Hereford road and 9.4 miles to the east of Ross on Wye.
- 1.2 The site is found within open-countryside, though the wider area is characterised by a scattering of farmsteads and wayside dwellings. The site occupies an elevated position in the landscape within a context of undulating fields, allowing views towards St Weonards.
- 1.3 The proposal includes the conversion of two traditional barns into holiday accommodation, construction of 3 chalet units for holiday accommodation, conversion of pole barn to indoor recreation area for guests and the use of the existing bungalow on the site as a holiday accommodation unit. The scheme includes associated landscaping and groundworks for the parking and recreation areas, as well as the construction of a new entrance point onto the private road with improved visibility and the resurfacing of private access road leading up to the application site.

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- RA3 - Herefordshire’s countryside
- RA6 - Rural economy
- MT1 - Traffic management, highway safety and active travel
- E4 - Tourism
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green infrastructure
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the

Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

2.2 **St Weonards Neighbourhood Development Plan is at pre-drafting stage**

2.3 **National Planning Policy Framework (NPPF)**

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 - Building a strong competitive economy
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

3. **Planning History**

- 3.1 DS070223/S - Feathering, processing and chilled storage of poultry units – prior approval refused February 2007

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

4.2 **Natural England**

Your appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of the sites in question. Natural England agrees with the assessment conclusions.

Internal Council Consultations

4.3 **Ecology**

Habitat Regulations Assessment:

The site is within the catchment of the River Wye SAC and the LPA must complete a relevant Habitat Regulations Assessment process and submit the appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The following notes were in respect of HRA process:

Foul Water

- A new private foul water system will be installed to manage all foul water from the proposed development.
- The proposed foul water system is a package treatment plant that delivers foul water to a drainage mound. Percolation tests indicated that the Vp value is 10s/mm – a rate too quick for the drainage field to have enough time to clean the foul water (building regulations state that a drainage field should not use a Vp value of 12s/mm or less). Consequently, a drainage

mound is proposed for cleaning the foul water utilising imported sand which has a Vp of 15, a rate which will enable the microorganisms to clean the foul water.

- The LPA has no reason to consider that the proposed system is not suitable or sufficient to manage the effluent discharged by the new.
- The proposed private foul water system can be secured by condition on any planning consent granted.

Surface Water

- Infiltration testing using trial pits of 1m and 1.2m depths failed indicating that a discharge of surface water to ground is not viable.
- Therefore, a 32m² attenuation pond with a restricted discharge of 2l/s to an existing drainage ditch is proposed. The LPA has no reason to consider that this surface water management scheme cannot be achieved at this location.
- The proposed surface water management scheme can be secured by condition on any planning consent finally granted.

Additional ecology comments:

Protected Species

The supplied bat report by Ecology Services dated September 2019 is noted. The report confirms the presence of non-breeding common pipistrelle bat, soprano pipistrelle bat and brown long-eared bat occasionally roost in Barn 2. The pipistrelles were associated with the external fabric of the building whilst a single brown long-eared bat was recorded roosting in the internal roof apex of the barn. As the proposed development will impact bat roosting and activity at the site and a relevant higher status protected species mitigation licence will be required from Natural England PRIOR to any works commencing but can only be applied for once a planning permission has been granted.

While the development proposals include the creation of gaps and cavities suitable for crevice roosting bat species under new soffit and barge boarding/weather boarding and under ridge tiles additional compensatory roosting features are suggested to include four Schwegler Bat boxes (or similar approved design) to be incorporated into the external fabric of the renovated barns (two per barn). These compensatory measures should be adopted and details supplied as to designs and specification to ensure the compensatory bat roosting provided will remain fully undisturbed at all times and is secure for the lifetime of the development are requested. The finally approved plans must be securable for the lifetime of the development through a relevant condition. In addition all mitigation and enhancement measure detailed in the Preliminary Ecological Appraisal by Pure Ecology dated April 2021 should be adopted.

4.4 **Environmental Health Officer (Noise and nuisance)**

From a noise and nuisance perspective our department has no objections to this proposal.

4.5 **Environmental Health Officer (Housing)**

The comments below from the Environmental Health Housing team are informative. They are to assist the applicant, and to save time and money should the application go ahead. They are provided to assist any future occupants of these flats, including the housing landlords, and to prevent complaints to the Environmental Health Housing team, who enforce the housing Act 2004, and other Acts of Parliament in relation to domestic premises. We inspect against 29 Hazards, and all of these premises should be free of Category 1 Hazards, under Part 1 of the Act.

1. Damp and mould growth (Hazard 1)

Extraction systems in kitchens and bathrooms in this application must be suitable and sufficient to prevent build-up of black mould.

2. Excess cold : (Hazard 2)
The heating system must be suitable, sufficient and efficient (cost effective for the occupant) to run.
The applicant must provide a fixed form of affordable and controllable space heating to all rooms including bedrooms, Bathrooms and kitchen/living rooms that is capable of achieving a room temperature of 21°C within one hour of being turned on when the air temperature outside is -1°C. Central heating is the preferred option, however an electric heater or a balanced flue gas heater or open flue gas fire with oxygen depletion cut off device are also acceptable. Electrical appliances must have a dedicated socket. Heating should be available at all times and be under the control of the occupier.
3. Radiation (Hazard 8)
If the property is in a Radon affected area, suitable mitigation measures should be put in place.
4. Crowding and Space (Hazard 1)
All bedrooms should meet the minimum room sizes laid out in the DCLG Technical Housing Standards.
5. Outdoor space for the storage and collection of waste: Domestic Hygiene, Pests and Refuse Hazard 15)
Include adequate provision for the storing and disposal of household refuse, with the requirement to separate domestic waste into recycling and general waste. There must be sufficient space provided both in kitchens and outside to facilitate this.
6. Fire safety (Hazard 24)
The building will have to comply with the fire safety requirements of the Housing Act 2004. In addition, an appropriate automatic fire detection system should be fitted to cover the whole development. The proposed plans should include for fire escape windows from the bedrooms. If there is more than a 4.5 meter drop from the windows, then an alternative layout should be provided so that persons can exit the property in the event of a fire.

4.6 Public Right of Way Officer

Providing public footpath SW6 is not obstructed, and any disturbance to the surface is reinstated PROW will not object to the conversion.

4.7 Landscape Officer - *Initial Comments*

In terms of landscape character and appearance, the development takes depilated buildings and converts these into new buildings; takes an existing large shed, demolishes and builds a new larger shed for indoor recreation use; adapts a smaller shed into a BBQ shelter; and changes an existing bungalow into a self-catered holiday accommodation.

The development adds new buildings, increasing the built mass in agricultural landscape setting. The applicant responds to visual impacts from public footpaths (through the site and nearby to the north) and other vantage points with tree planting with the aim to mitigate the impacts.

The chalets individually have a form that is similar to the existing traditional farm buildings (but of a larger scale). The collection of these buildings appear cramped in the plan, but in the view may generate enough variation in shape, together with the existing converted buildings to make an overall interesting cluster. The applicant states, that it is indented that the proximity of the 3 buildings will merge in the view to appear like one large architectural shed. This is difficult to ascertain without visuals. What is needed is a visual that groups all the buildings, with and without the trees to understand the visual impacts, and then the proposed integrated landscape (mitigation) proposal.

A note, regarding colour. Colour is an important consideration in how the buildings relate to the landscape, and how well the buildings appropriately blend in with the landscape. The roof is a key visual surface, however the colour for some of the buildings is not indicated on the drawings or written material. It is assumed, that the slate tiled roofs will be a dark/ charcoal colour. Please specify otherwise. Colour also relates to the ground plane, such as road and parking surfaces.

Please provide:

- 1) A visual showing the buildings in the landscape, without proposed landscape, and with proposed landscape from a key receptor.
- 2) Information relating to the colour scheme, and appropriateness in the landscape.
- 3) Clarification of existing building footprints and proposed building footprints. The planning statement indicates that the pole shed upgrade to a recreation building is only a relatively small increase in scale, but it appears larger (Refer overlay exercise, figures 1 to 3).
- 4) An updated landscape plan with further information pertaining to species, planting sizes and planting methods. (Including a maintenance schedule for 5-10 years pending species and conditions). Note, some of this information is in the written material, but for ease of communication and coordination, please add this to the plan. In terms of the layout and species, take into consideration the wider landscape characteristics of the Wooded Hills Farmlands (north of site), and Sandstone Farmlands (south of site).

Landscape Officer – *Further comments following submission of requested information*

I refer to the additional views as requested, and thank the applicant for providing these images to help further understand the plan.

It is apparent that the new buildings are of a large scale and in my opinion need to be grounded to make them appear more integrated in the landscape setting. I recommend that the landscape has an important factor in reducing the scale, and overall making the development have landscape character more appropriate for the hedgerow rural landscape of Herefordshire. The addition of native hedgerows and hedgerow trees will also boost the biodiversity and green infrastructure potential of the site, adding to a sustainable ethos, that visitors I am sure would appreciate.

The submittal of a comprehensive landscape plan and specification would be required to support this application (Suggested information is provided below).

Likewise confirmation of item 3) in relation to the scale of the recreation building from my previous comments would be appreciated.



Figure 1: Suggested use of hedgerows and hedgerow trees to assist in creating an overall landscape setting. Note: Ensure that what is shown on the views is replicated on plan, and vice versa.



Figure 2: Suggested hedgerow planting along the frontage of the new buildings to 'ground' them, and maintain a rural hedgerow landscape character.



Figure 3: Suggested use of native hedgerows, and hedgerow trees to enhance the landscape setting, assist in screening cars, and enhance the biodiversity potential of the development.

Suggested planting specification;

Hedgerow

Hedging plants are to be 60-80 cm high, 1+1, bareroot, healthy and vigorous transplants to be planted in a double staggered row, 450mm apart, and 7 plants per linear metre. Species mix to be as follows:

40% *Crataegus monogyna* (Hawthorn)

30% *Corylus avellana* (Hazel)

10% *Prunus spinosa* (Blackthorn)

10% *Acer campestre* (Field Maple)

10% *Ilex aquifolium* (Holly)

All transplants shall be protected with a 400mm high plastic spiral rabbit guard supported by a 750mm stake or cane. Stock proof fencing should be erected to protect hedging from grazing as required. The hedge is to be maintained for a period of 5 years following planting, ensuring adequate watering and fertilising is carried out to ensure good establishment and that all dead, diseased or damaged plants are replaced annually where required.

Suggested Species

Only native and locally characteristic species should be used or species that can reinforce the local landscape character.

Common native, thorny species:

Crataegus monogyna (Hawthorn)

Ilex aquifolium (Holly)

Prunus spinosa (Blackthorn)

Non thorny species:

Acer campestre (Field Maple)

Carpinus betula Hornbeam)

Corylus avellana (Hazel)

Cornus sanguinea (Dogwood)

Euonymus europaeus (Spindle)

Viburnum lantana (Wayfaring Tree)

Viburnum opulus (Guelder Rose)

Notes:

- Dog Rose (*Rosa canina*) can be planted as an additional non woody species but is not considered part of the 5-7 plants per metre. This species will also quickly colonise naturally.
- Elder should not be planted in a new hedge it will out compete/kill other species and quickly develop in to a thin and gappy hedgerow.
- Honeysuckle should not be planted as it does not 'grow with the tree' leading to strangulation and its climbing habit can cause woody species to collapse.
- Ivy will colonise naturally but excessive growth may need to be managed to ensure excessive shading of woody species does not occur.
- Thorny species should be avoided next to pedestrian paths.

Foot of the hedgerow (Ground flora)

The hedgerow should be considered holistically and that goes for establishing the herbaceous vegetation at the foot of the hedge, including species such as cow parsley and hedge mustard with coarse grasses and pending on the location, woodland flora.

Hedgerow trees

Single mature trees in hedgerows enhance Herefordshire's landscapes and are very important for wildlife. Research reveals that trees substantially boost the numbers of insects, and so their predators like birds and bats, in landscapes. They also make it easier for many animals to move across the countryside. From a landscape character perspective they are intrinsic to Herefordshire.

Suggested species

Only native and locally characteristic species should be used or species that can reinforce the local landscape character.

Acer campestre (Field Maple)

Acer pseudoplatanus (Sycamore) *Non-native, introduced in 1500's

Euonymus europaeus (Spindle)

Quercus robur (English Oak)

Sorbus torminalis (Wild Service Tree)

Individual trees shall be planted as follows: Trees should be planted in areas previously cleared of all weeds, grass and vegetation. The trees are to be of 'Standard' size, 12-14 cm girth, approximately 3.0 metres tall, bareroot or rootballed and healthy and vigorous. Trees should be planted in planting holes 1.2m. x 1.2m. x 900mm deep, with the topsoil mixed with a minimum of 20 litres of suitable tree planting compost and replaced carefully around the roots and lightly compacted every 150mm layer. Trees should be supported with a treated timber stake and rubber ties and protected from both rabbit and stock damage. This may require the construction of sufficiently robust timber guards of a size appropriate for the type of stock kept in the field. A water regime is to be followed to ensure the health of the tree is maintained during the establishment period.

- Space the trees far enough to let crowns develop without competing or producing too much shade
- Space far enough apart so the gaps between trees can be easily trimmed with a mechanical flail
- Use irregular spacing to create a more natural landscape - look at the local landscape to see what is appropriate
- Young trees need to be clearly marked for at least 5 years so that hedge cutters can see and avoid cutting them.

Stand-alone trees or groups

Placed in strategic locations, individual trees or groups of trees can assist in the choreography and design of the landscape to integrate the building into the landscape, or assist in mitigating the visual impacts of the building.

Suggested species

Only native and locally characteristic species should be used or species that can reinforce the local landscape character.

Acer pseudoplatanus (Sycamore) *Non-native, introduced in 1500's

Betula and Sorbus species or similar quick growing, pioneering trees.

Pinus sylvestris (Scots Pine)

Quercus robur (English Oak)

Landscape Officer – *Final comments following revised landscape scheme*

I refer to the revised Proposed Site Plan, DWG 21-900, Rev E. I am satisfied in the most part with the intent of the landscape, and this includes the addition of the hedgerows, as recommended in my previous comments, dated 29/10/2021. The specification information related to the hedgerows is satisfactory, however it is recommended to provide additional information regarding the management of the hedgerow. It is going to be layed?; what is the cutting regime? (I.e. to form a well-structured and wildlife rich hedgerow); and how high will the hedgerow be? etc.

It is also recommended to plant, and encourage hedgerow ground flora (flowers and grasses) at the base to support wildlife.

Trees are provided, but lacking in specification detail (I.e. species, size, quantity, density with cultivation details).

There is no specific mention of the ground condition. Biodiversity enrichment could be achieved with native wildflower and grasses. For example planted throughout the apple and pear orchard, and surrounding the chalets.

In terms of hard landscape requirements, the use of permeable paving is supported, however there is no mention of materials and colours.

I recommend that conditions CK3, CK4, CK5 and CK8 are submitted in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

4.8 Area Engineer Highways – *Further comments following additional information received*

The proposed visibility splays for the new access are agreed, the changes regarding the gate are a private matter as it's not part of the adopted highway.

The proposed movements for the new development and existing agricultural tasks would not be classed as severe under the NPPF.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.9 **Land Drainage** – *Further comments following request for additional information*

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

There may be a risk of surface water flooding from higher land to the west and north west. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

It is understood that infiltration testing using trial pits of 1m and 1.2m depths failed and that a discharge of surface water to ground is not viable. Therefore, it is proposed to construct a 32m² attenuation pond with a restricted discharge of 2l/s to an existing drainage ditch.

We note that the proposed orifice diameter of 71mm is smaller than we usually accept (75mm), however, as this is a rural development and the proposed holiday lets will remain in the same ownership, should a blockage occur, then it would be the applicant's responsibility to ensure it is effectively cleared and maintained.

It is understood that although the proposed attenuation pond and drainage ditch is outside of the red line boundary, it is within the blue ownership boundary and as the proposed development is for holiday lets, the surface water drainage system will be maintained by the owner.

Foul Water Drainage

As infiltration testing at depth failed, a gravity fed drainage mound is proposed to discharge treated effluent. Testing undertaken at shallow depths (300mm), established that percolation was viable with a Vp rate of 12s/mm recorded. However, as this is a fast rate and outside of the acceptable 100-12s/mm threshold for a discharge of treated foul water to ground, a Vp rate of 15 sec/mm (filter sand) has been used to size the drainage mound).

We accept that a drainage mound is likely to be a viable solution for the discharge of treated foul water at this site. Should any issues occur, we acknowledge that the proposed location is in a rural location and the impact to third parties is likely to be negligible. However, at Discharge of Condition stage, we request that further testing is undertaken at 600mm bgl, in the area proposed for the drainage mound. The Vp rate recorded from this test pit should then be used to confirm the size of the drainage mound.

It has been recognised that as the maximum daily discharge will exceed 2m³ per day, an Environment Agency permit will be required.

It is understood that although the proposed drainage mound is outside of the red line boundary, it is within the blue ownership boundary and as the proposed development is for holiday lets, the foul water drainage system will be maintained by the owner.

Overall Comment

In principle we have no objections to the proposed development, however we recommend that the following information is provided in suitably worded conditions:

- Confirmation of the proposed drainage mound size using a Vp rate established during testing at 600mm bgl.
- Detailed drainage plans/construction drawings of the proposed surface water and foul water drainage infrastructure.
- Confirmation that an EA permit for a discharge of treated foul water drainage to ground has been granted.

5. Representations

5.1 St Weonards Parish Council – Comments received 28 September 2021

St Weonards Parish Council have visited the proposed site at Carwendy Farm and feel that the proposed plans are acceptable as to what is planned to make the site into a rural tourism venture.

The Parish Council do share the same concerns as the local community on the following areas:

- 1) Public Safety - With regards to the increased volume of traffic on the existing narrow lanes in and around the site. There will be an increase not only in vehicular traffic but cyclists and walkers, potentially with young families as well. The area is a rural area with lots of large agricultural traffic travelling the roads.
- 2) Noise pollution from the site to the surrounding local community.
- 3) Access - the proposed access is right next to an existing dwelling and straight on to a narrow rural road, so care needs to be taken in its location to reduce impact on this property. There was also confusion over the exact location of the access - may be the applicant would be able to clarify this please.
- 4) The proposed site and access is very intrusive to an existing dwelling which is located next to the proposed site and access. There is real concern to the immediate impact on the privacy to this dwelling and its occupants.

5.2 Ramblers Association

The proposed development would not appear to affect the public footpath once works are completed. However, if the works are likely to present a health & safety hazard to members of the public passing along public footpath SW6 through the site, then the applicant should apply to the highway authority for a Temporary Closure Order.

5.3 In response to the public consultation a total of 14 objectors commented on the application throughout the process, this includes 2 additional comments made, the objections detailed the following points:

- Parish Council was not to meet within this time frame and no yellow notice displayed on highway – democratic process at risk due to delays and public not able to give comment in time
- Planning Statement makes conflicting and unclear statements, including: reference to both small scale and moderate scale rural tourism, no clarification for where the existing livestock building will be re-located and no details regarding sports court, states car park will be in one area but drawing shows otherwise, references bus routes with no information
- Passing places are needed on the road and proposed driveway
- Neighbour's land required for visibility splay
- Existing retaining wall by bungalow does not have planning consent
- Major tourist attraction overwhelming local road system, the nature and intensity of the proposal is not appropriate in quiet rural location

- Roads not suitable for walking and cycling with no bicycle routes and is not well served by footpaths – exacerbated by more planning permissions granted in the village
- Roads are used by agricultural vehicles, therefore commuting times are not entirely relevant
- Impact of sound and visibility on surrounding neighbours, the access being located close to dwellings and site in a natural amphitheatre
- Likely to attract large groups for celebrations which would be noisy, appears more suited to adults than families and children
- Where will bins be located?
- External lighting impact on bats and dark skies
- Job creation would be minimal
- Application fails to recognise vehicle movements of deliveries, employees and service vehicles only focusing on the guests
- With Covid restrictions lifted people will more likely go abroad, if the scheme fails will it become a residential group? Limited justification for the units
- Would this open opportunity for more development across the holdings? At risk of losing rural tranquillity that attracts people to stay
- Dust from the track impacting visibility at the junction
- Traffic could be diverted away from the houses at the end of the drive
- Road C1236 becomes flooded in heavy rainfall and run off from fields erodes the roadsides
- Removal of hedgerow not supported and wildlife will be disturbed
- Additional vehicles put people in risk when needed emergency services and will put animals and children in danger
- Guests likely to rely on car for closest shop and activities, longer stays are more likely to require more movement, leisure facilities are located in towns and settlements
- Commitment to re-using rain water is vague

Further comments:

- Suggestion that the re-positioning of steel portal framed buildings should be included in this application
- The Transportation Officer comments should be backed up with data, unsure how it is concluded that the movements would not be classified as severe under the NPPF
- No reference to width of C road that would connect proposal to B road, drawing shows new entrance as less than 3 metres in width

5.4 One comment received was non-committal stating:

“While not wishing to oppose a business project, there are concerns about the increase in traffic and the dreadful state of our roads which will be exacerbated by additional vehicles. Roads approaching this proposed development are narrow with few passing places, deep ruts each side of the carriageway and countless pot holes. If permission is granted, it is essential that consideration is given to improving the roads from St Weonards village to this site. It would also be helpful if the contractors were instructed to drive slowly with due care to and from the site, in view of local inhabitants, animals and cyclists.”

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212199&se-arch-term=caerwendy%20farm

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the St Weonards Neighbourhood Area, which is currently at pre-drafting stage and therefore afforded no weight.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies to the determination of this planning application are considered consistent with the NPPF and therefore can be attributed significant weight.

6.4 Policy RA6 of the CS states that employment generating development proposals which help diversify the rural economy such as business diversification projects will be supported in cases where they;

- Support and strengthen local food and drink production
- Support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale
- Involve the small scale extension of existing businesses
- Promote sustainable tourism proposals where in accordance with CS Policy E4
- Support the retention and/or diversification of existing agricultural businesses

6.5 With reference to diversification schemes, the policy proceeds to state that such development proposals can be supported where they;

- Ensure that development is of a scale which is commensurate with its location and setting;
- Do not cause unacceptable adverse impacts to the amenity of neighbouring residents (i.e - noise, dust, lighting smell etc)
- Does not generate traffic movements which the local highway network cannot accommodate
- Does not undermine the achievement of water quality targets as set out in CS Policy SD3/SS4

6.6 Following the above policy commentary, CS Policy E4 provides the framework as to the criterion for the support of development proposals which relate to tourism in Herefordshire. It is stated that the county will be promoted as a destination for sustainable tourism. Development proposals would be supported where;

- It is ensured that there is no detrimental impact on the county's varied natural and heritage assets and the overall character and quality of the environment

- there would be new accommodation and attractions throughout Herefordshire which would diversify the tourist provision and extend the tourist season and increase the number of visitors staying overnight.
- regards are had to the visual amenity of public/cycling routes such as Public Rights of Way (PROW)

6.7 The postscript to policy E4 acknowledges that many visitors to the county come to enjoy the beautiful countryside and there is likely to be a demand for new facilities and accommodation associated with this. It goes on to state that whilst some small scale tourism associated development may be appropriate in rural areas, any significant new development for accommodation and facilities should be focused in Hereford and the market towns to maximise sustainable transport opportunities and to protect environmental amenity.

6.8 The foregoing is supported by Chapter 6 of the NPPF which comments that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It goes on to touch on tourism specifically saying that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 of the NPPF states:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist

6.9 It is clear that, from the above policy assessment, there is broad support for tourist accommodation, truly designed for holiday purposes, even if in open countryside locations. Providing such accommodation does not have an undue impact upon the environment, landscape or heritage values.

6.10 However, they also make it clear that in order to benefit from this support, proposals must be 'sustainable' when having regard to relevant development plan policies and the three objectives of sustainability as set out at paragraph 8 of the NPPF. The applicant has provided a sustainability appraisal to detail how the development has taken sustainability into account in the location. Officers are mindful of potential benefits of UK residents holidaying at home, instead of flying to continental Europe or further on account of the ongoing health-crisis and uncertainty over post Brexit travel and people being more conscious to avoid unnecessary flights and personal CO2 emissions. The provision of three units would deliver some economic benefits to local services and amenities.

6.11 The NPPF advises at paragraph 102 that development proposals should promote walking, cycling and public transport use, whilst policies SS4, SS7 and MT1 of the Core Strategy require that proposals should focus development to the most sustainable locations'; reducing the need to travel by private car; and facilitate a genuine choice of travel modes.

6.12 The application site is located approximately 3 kilometres to the east of St Weonards and 1.1 kilometres to the south west of Orcop, both identified under policy RA2 of the Core Strategy as sustainable settlements appropriate for proportionate residential development. With this in mind, the site occupies a location within open-countryside. The site does not benefit from safe pedestrian access and therefore, it would be unreasonable to expect future occupiers to walk to

reach facilities in either village. They are both within reasonable cycling distance. Ross-on-Wye is the nearest service centre and realistically offers the range of services required for day-to-day living. The site can therefore not be considered sustainable in a locational sense. However, with the provision of holiday accommodation of this nature comes a certain expectation of rural living, and it has been widely accepted through the granting of numerous permissions across the county that applications for tourist accommodation will not necessarily be in the same sustainable locations as one might expect for permanent domestic dwellings. Furthermore, facilities are provided on the site by way of BBQ area, swimming pool and leisure space. Providing entertainment on site for guests reduces requirement for movement outside of the site, whilst offering space to enjoy the rural location.

- 6.13 Given the location of the site in open countryside, it is accepted that future guests will need to arrive by car. However, the applicant has provided a detailed review of the local PROW network and demonstrated that while staying at the site guests would have ready access to local footpaths. It is also noted that the style of accommodation is suited to long stay. Overall it is considered that with the addition of cycle storage and with bus route available to the guests the scheme provides a genuine range of sustainable transport options and while it is noted that there will be a reliance upon the private motor vehicle to access the site and shopping facilities while staying this will be weighed against the benefits of the scheme.

Conversion to Holiday Let

- 6.14 The application includes the conversion of two traditional stone barns to 1no. open plan 1 bedroom unit and 1no. two storey 2 bedroom unit. Regardless of the location of the site, Policy RA5 of the CS is the principal determining criteria of the development plan which sets out that state that the re-use of disused and redundant rural buildings will be permitted whereby;

- It respects the character and significance of the redundant/disused building and it is demonstrated that it is the most viable long-term option.
- Provision is made for protected and priority species and other associated species and no other undue environmental impacts arise from the development.
- The buildings proposed for re-use are of permanent and substantial construction which are capable of conversion without the requirement to undertake major or complete reconstruction.
- The building is capable of accommodating the proposed new use without the need for substantial extension, alteration or through the formation of additional ancillary buildings or areas of hardstanding which would adversely impact the existing character of the area

- 6.15 Given their scale and construction, it is evident they are no longer suitable for modern farming practice and therefore considered redundant. The buildings are in sound condition and appear capable for conversion, the supporting structural survey concludes that both barns are substantially intact requiring some repair and remedial works. Whilst Barn 2 requires some restoration to the southern end, this would not be considered substantial rebuilding being within the remit of conversion. The application proposes a sympathetic conversion that would keep the number of new openings to the minimum necessary such that the character of the original building would be retained.

- 6.16 The application also includes the use of existing bugalow on the site as tourist accommodation, given the existing unrestricted residential use, this is considered acceptable within the wider aims of the site.

Appearance and Landscape

- 6.17 CS policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the

architectural diversity and character of the area including, where appropriate, through innovative design.

- 6.18 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to and extend tree cover where important to amenity.
- 6.19 The chalets would be of a simple rectangular form with steep pitched profile metal roof, clad in vertical timber boarding. The design is contemporary and generally responds to the agricultural form of the surrounding buildings. Whilst larger than the typical chalet as a result of the prominent ridge-lines, the scale and overall massing of the units would not be considered such that they would be read as out-of-scale in context of surrounding development.
- 6.20 The scheme includes the construction of a BBQ pavillion and rebuild of the existing pole barn to provide an activities building. Both buildings would maintain agricultural form with minimal visual impact in the wider setting, the pole barn utilising existing scale and the pavillion being of subservient mono-pitch design.
- 6.21 The site is visible from public vantage points, namely the adjacent PROW footpath, Coppice Road between St Weonards and Garway and St Weonards village. The submitted Landscape and Visual Impact Assessment concludes that the sensitivity from these aspects are considered to be medium. The site occupies an elevated position, but sits below the skyline reading within the rising topography of surrounding land with mature boundary features. Amended site plans have been submitted in line with the recommendations of the Landscape Officer. This includes the addition of native hedgerow and trees to surround the new built form and integrate this into the setting. The Landscape Officer raises no objection to the amendments recommending conditions for detailed landscape scheme and maintenance plan.

Amenity

- 6.22 Policy SD1 and RA6 of the CS looks to ensure that development proposals are commensurate with their setting and would not cause any undue harms. The closest property, Northgate Farm, is located approximately 430 metres to the south west of the site and Upper Cottage is located over 600 metres to the south east. As such, given the distance there is not considered to be a demonstrable impact with regards to loss of privacy or noise and nuisance. This is confirmed by the lack of objection from Environmental Health Officer. Furthermore, the site is contained within vegetative boundary with inside space provided for communal activity. In addition to this, it is recognised there would be increased vehicle movements along the existing driveway, however the proposal to construct a new access further west would relocate movement away from the existing Upper Cottage and alleviate noise nuisance.

Highways

- 6.23 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

- 6.24 The site is currently accesses off a private driveway off the C1236 with good visibility along the single track given the topography of the land, it is sited adjacent to dwelling known as Upper Cottage. The proposal includes the resurfacing of the track with the inclusion of passing places to facilitate the additional movements, however this would not require planning permission. It is proposed to construct a new access 3.5 metres to the west of the existing, creating approximately 4 metres of new access road. This will distance the movements from the existing dwelling alleviating noise impact, whilst offering improved visibility splays than the existing access. Public Right of Way footpath runs through the north of the site, the development will not impact use of the site being located around existing buildings.
- 6.25 The proposed access, parking and turning space has been reviewed by the Local Highways Authority Area Engineer who confirmed that subject to conditions the proposal was considered to adhere to CS MT1 and the published highways design guidance. The vehicular uplift is not considered to be severe in accordance with the NPPF, the local network having capacity to accommodate the movements, as such this does not direct the decision-maker to refusal.

Drainage

- 6.26 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.27 The site is located in low risk Flood Zone 1 and the proposed development is less than 1 hectare, as such Flood Risk Assessment is not required. Surface water is proposed to be managed via sustainable drainage system with attenuation pond and drainage ditch, located within the applicant's ownership. The supporting documentation also states rainwater collection will be used where possible for site irrigation. As such, the application demonstrates that there is a sustainable solution for dealing with surface water and there would not be an increased risk of flooding elsewhere. In terms of foul water, in accordance with the hierarchy for dealing with foul water as set out at policy SD4 of the CS, the proposal seeks to connect to utilise a private treatment method noting there is no mains connection available. The application proposes the installation of a private package treatment plant discharging to a single drainage mound. The Council's Land Drainage Engineers have been consulted, raising no objection to the methods and percolation testing with technical details required through condition, as such the proposal is considered in adherence with policies SD3 and SD4 of the Core Strategy.

Ecology

- 6.28 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species.
- 6.29 The site is located within the River Wye Special Area of Conservation, as such Habitat Regulation Assessment has been undertaken finding no adverse effects on the integrity of the River Wye SAC. Natural England have been consulted and raise no objection to the conclusions. The application is supported by Ecological Appraisal and Bat Report, the Ecologist raises no objection to the findings and the mitigation and enhancement measures within are secured by condition. Conditions restricting lighting to protect dark skies and securing submission of Construction Environmental Management Plan are included as per the Ecology recommendations. The

proposal, subject to conditions is therefore considered acceptable, according with policy LD2, SD4 and SS6 of the Core Strategy.

Conclusion

- 6.30 The application proposes a rural tourism development in open-countryside location, whilst this may not be considered sustainable in purely locational sense, it is accepted that the rural character of the area is appealing to tourists, this is reflected in policy E4 and this alone would not direct the decision-maker to refusal. When assessing the proposal against the three themes of sustainability it is considered that the proposal would result in some modest economic benefits through increased local expenditure and job creation through the servicing of the units. Social benefits are considered to be neutral, and any harms in an environmental sense; most notably through the creation of a new access, can be mitigated through the implementation of a landscaping scheme. The proposal includes the re-use of traditional agricultural buildings of architectural merit with contemporary chalets integrated into the agrarian character and rural setting, providing a unit of tourist accommodation for long stays with leisure and activity facilities on site for guests.
- 6.31 Matters raised with respect to highway safety, landscape, ecology and drainage can either be addressed through the imposition of conditions, or have been through revisions to the scheme throughout the application process. It therefore concluded that the proposal accords with the principal determining criteria of the Herefordshire Local Plan – Core Strategy and the overarching principles of the National Planning Policy Framework, and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. C01 - Time limit for commencement (full permission)**
- 2. C06 - Development in accordance with approved plans**
- 3. C13 - Samples of external materials**
- 4. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 139.5 metres west and 104.6 metres east along the nearside edge of the adjoining carriageway (as shown on drawing no. 3167-23-902). Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Prior to the first use of the buildings hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of cars, as shown on drawing no. 21-900, which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

11. Before the development is first occupied, a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

12. At no time shall any external lighting except in relation to safe use of the approved development and its stated use be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3

13. Before any work a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981.), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3.

14. The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European

Protected Species Licence (Bat), as recommended in the ecology report by Ecology Services dated September 2019 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.

15. Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary including 4 Schwegler Bat boxes (or similar approved design) to be incorporated into the external fabric of the renovated barns (two per barn); 2 bird nesting boxes for a site appropriate range of bird species; 1 hedgehog home; and 4 insect hotels, should be supplied to the local authority and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

16. The ecological protection, mitigation and compensation methods including Biodiversity Enhancements, as recommended in the Preliminary Ecological Appraisal by Pure Ecology dated April 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policy LD2.

17. None of the units shall be occupied until the following drainage details have been provided:

- Confirmation of the proposed drainage mound size using a Vp rate established during testing at 600mm bgl
- Detailed drainage plans/construction drawings of the proposed surface water and foul water drainage infrastructure
- Confirmation that an EA permit for a discharge of treated foul water drainage to ground has been granted

Details shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

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. **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
3. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

4. **It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
5. **The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**
6. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "high status protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.**

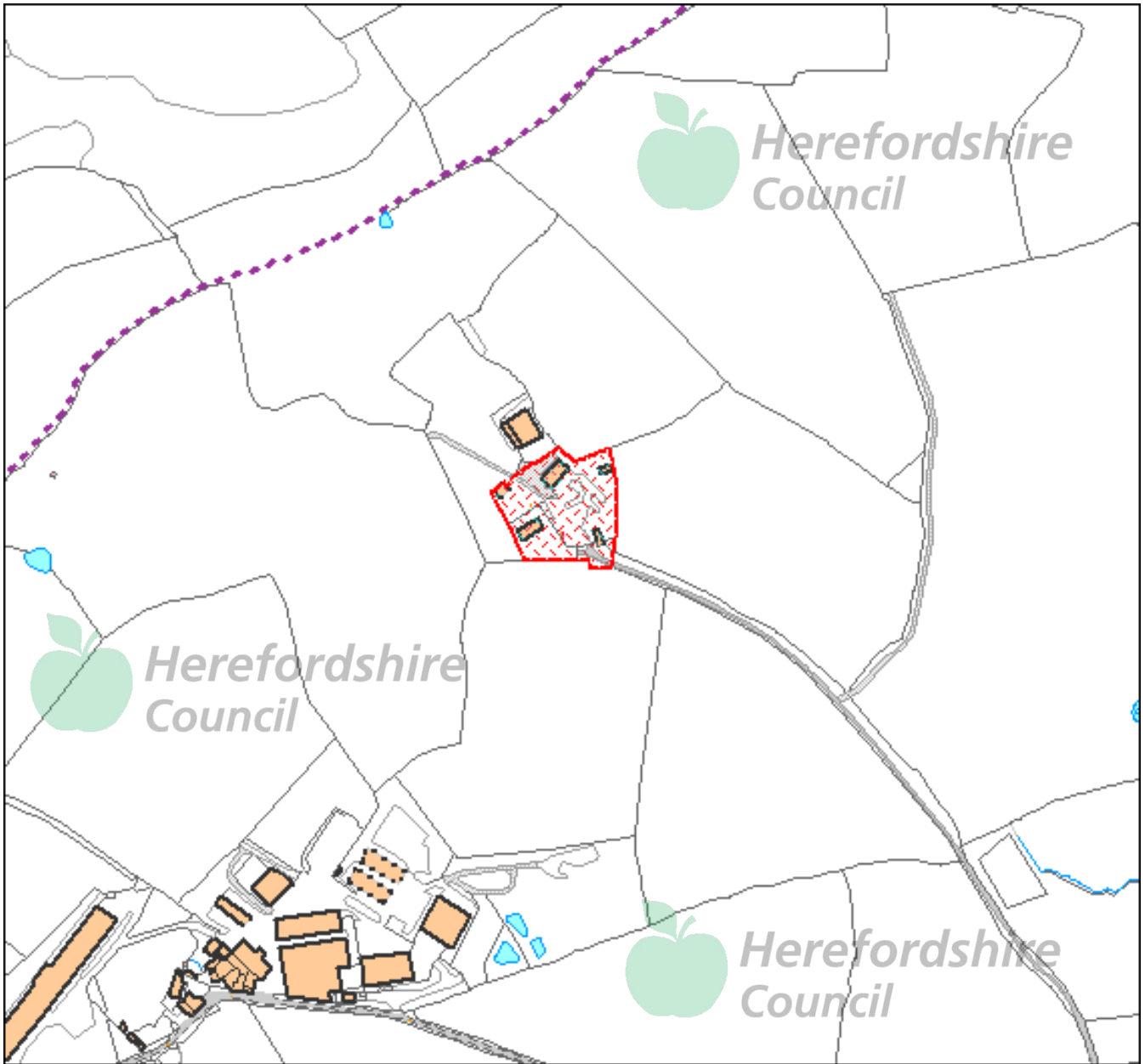
Decision:

Notes:

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

Background Papers

None identified



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APPLICATION NO: 212199

SITE ADDRESS : CAERWENDY FARM, ST WEONARDS, HEREFORD, HEREFORDSHIRE, HR2 8QF

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	31st August 2022
TITLE OF REPORT:	202258 - RETROSPECTIVE ERECTION OF NEW STABLES AND TURN OUT PADDOCKS, WITH ASSOCIATED WORKS AT SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ For: Mr Lacey per Mr Ian Pople, 30 The Causeway, Chippenham, SN15 3DB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258
Reason Application submitted to Committee - Redirection	

Date Received: 15 July 2020
Expiry Date: 17 November 2020
 Local Members: Cllr Barry A Durkin

Ward: Old Gore

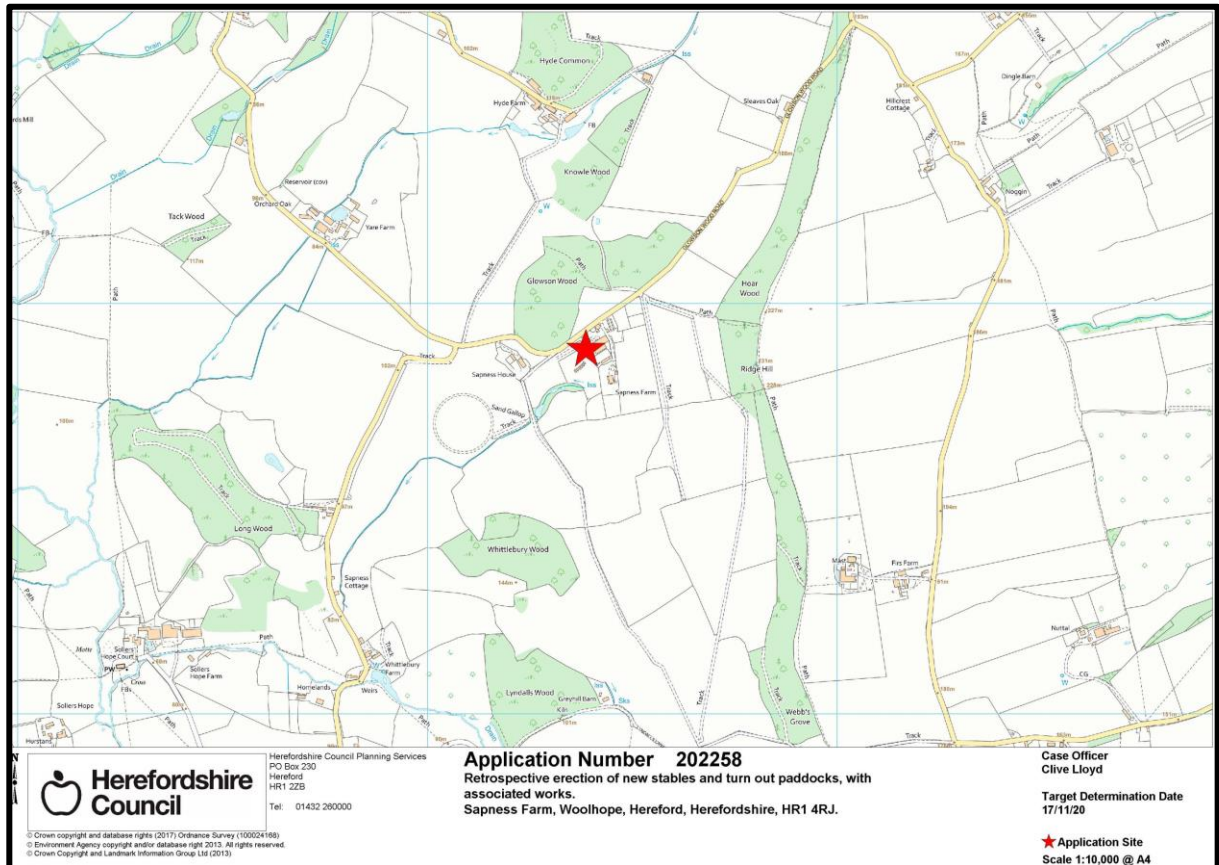
Grid Ref: 362387,233916

1. Site Description and Proposal

The application site Sapness Farm lies some 300m east of the Wye Valley AONB. The farm is situated just over 2km south east of Woolhope and 3.5km north west of Much Marcle, on the Woolhope Dome. It is reached via Glowson Wood Road, a narrow lane which links Woolhope with Rushall, crossing the ridge of Ridge Hill just under 1km to the north east. Both Ridge Hill, and Marcle Hill further north, are highly distinctive in the wider landscape, being visible from the Malvern Hills which are 15km to the north east.

The area is very sparsely settled; apart from Sapness House which lies about 180m west of the farm, the nearest properties include Yare Farm (c. 700m to the north west), Hyde Farm (c. 600m to the north west). Firs Farm (800m to the southeast), Greyhill Barn (c. 800m south of the farm but 250m west of the gallop site), and Foxhalls (c. 250m south of the gallop site). The site has been developed over recent years with buildings and facilities in place to support the business activity of race horse training. The buildings and farmhouse are separated by an area of grass about 50m wide. The buildings are set against sloping fields to the south, dominated by the steep slopes of the ridge to the east, and there is dense woodland to the north; the topography to the south west is deeply incised

Site Plan



The site itself is an established racehorse training facility. Planning permission was granted under application P132546/F in September 2013 to change the use of the site to one of mixed equestrian and agriculture, incorporating the conversion and extension of existing agricultural buildings to stables; the formation of an all-weather gallop; the siting of a horse walker, a lunge and jumping pen and other ancillary works.

The proposal seeks retrospective permission for new stables and turn out paddocks at the site. These are all positioned in close proximity to the other existing equestrian development on the site. The new stables are located to the west of the existing stables that are positioned to the front of the site. They comprise 11 pre-fabricated units that have been formed around a concrete hardstanding. Each unit measuring 7.01m, 3.38m in width and 3.01m to the ridge.

The units are steel framed and are finished in perforated metal cladding. The stables sit on a concrete base with access via the existing yard to the east.

Stables ref: 1



The proposal also includes the provision of six new turn out pens located to the east of the existing entrance to the site. The turnout pens comprise individually fenced enclosures that enable horses to be turned out during winter or times of bad weather.

Turn out pens ref:2



2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

SD1 – Sustainable Design

SS1 – Presumption in favour of of sustainable development

LD1 – Landscape and Townscape

LD2 – Biodiversity and Geodiversity

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

SD3 – Sustainable Water Management and Water Resources
SD4 – Waste Water Treatment and River Water Quality
MT1 – Traffic Management, Highway Safety and Supporting Active Travel
RA6 – Rural Economy

- 2.2 It is highlighted to Member's that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.3 **National Planning Policy Framework 2021 (NPPF)**

Ch 2 : Achieving sustainable development
Ch11: Making effective use of land
Ch15: Conserving and enhancing the natural environment.

The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF, as most recently revised in July 2021, can be viewed using the following link:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 **Neighbourhood Development Plan (NDP)**

The site is located within the Woolhope Neighbourhood area. The Woolhope Neighbourhood Plan is at drafting stage and therefore no weight can be added in regard to the application.

3. **Planning History**

P132546/F - Change of use of land to a mixed equestrian/agricultural use, the conversion and extension of existing agricultural buildings to stable, formation of an all-weather gallop, siting of horsewalker, lunge and jumping pen and ancillary works. Provision of staff accommodation, approved 17/3/14.

P180497/F - Retrospective erection of a new barn, isolation stable, new horse walker, Jumping Strip and Sand Gallop. Repositioning of previously approved lunge pen and jump pen and erection of new timber office, approved 31/7/18.

P184482/XA2 –Application for approval reserved by conditions 3 & 4 attached to planning permission 180497, 27/11/2018 - Condition 3 approved, condition 4 not discharged, ongoing.

P213582/U – Certificate of lawfulness for existing construction of a sand gallop and water walk, granted 21/1/22.

4. Consultation Summary

4.1 Statutory Consultations none

4.2 Internal Council Consultations

4.2.1 Team Leader Area Engineer (Highways)

Following a number of submissions, a revised Traffic management plan (TMP) was submitted (December 2021). This is considered to be acceptable subject to the route plan being appended to the document. The LHA has no objection to the proposals subject to the TMP and adherence to it being a condition of any planning consent granted.

4.2.2 Public Rights of Way Officer

No objection.

4.2.3 Principal Natural Environment Officer (Ecology)

Habitat Regs. - River Wye SAC

The site falls within the "any discharge of water or liquid waste..." SSSI Impact Risk Zone for the River Wye SSSI/SAC. However, there is no proposed foul water drainage, and surface water drainage is managed by on site soakaways. There are no anticipated impacts to the River Wye SAC resulting from the proposals, and the requirement for an HRA Appropriate Assessment can be screened out. A Habitat Regulations Screening Assessment would therefore conclude that the development would have No 'likely significant effects' on the River Wye SAC & SSSI.

NB. If the applicant wishes to amend their plans at any time to include foul water management, full details of how foul water will be managed are required: If connected to mains sewer system then confirmation by Welsh Water or other relevant statutory undertaker that this is practicable and acceptable must be provided. If connection to an existing private treatment system is proposed then professional confirmation this system is viable and with sufficient capacity and headroom should be provided. If a new septic tank or package treatment plant is proposed then full details and confirmation that the system will discharge to a soakaway drainage field is requested – NO direct outfall to any local watercourse, stream, ditch or culvert will be acceptable.

Site ecology

Prior to construction, the conditions present on site are not known. As a retrospective application any ecological disturbance or damage caused by the creation of the facilities has already taken place. The applicant is reminded of their 'legal duty of care' towards wildlife protection, see the Wildlife Protection Informative below:

Wildlife Protection Informative

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted. Any breach of this legal Duty of Care would be a criminal offence. Biodiversity Net gain/Enhancement As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure these enhancements a reasonable condition is suggested below.

Condition Eco 06 – Prove Biodiversity Enhancement (Net Gain)

Prior to approval, evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of ONE bat roosting box; ONE bird nesting boxes and ONE pollinating insect habitat homes/ONE hedgehog home built in to, or attached to the stable block, or on buildings or trees under the applicant's control should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

External lighting

The property is located within a rural setting, in close proximity to ancient and semi-natural woodlands. There are numerous records of bat species in the local area. No disturbance of bat flight lines to and from any identified roosting would be acceptable, nor would loss of any foraging or commuting potential. To ensure local bat impacts are mitigated the development should comply with DEFRA/NPPF Dark Skies Guidance and any external lighting should be kept to a minimum. To mitigate this a suggested condition including lighting is included below.

Condition-Eco 09: Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)

a) At no time shall any external lighting except in relation to safe use of the approved stable block be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

b) No external lighting should illuminate any biodiversity enhancement, boundary feature, or adjacent habitats. Planning Services, PO Box 4, Hereford. HR4 0XH Herefordshire Council Main Switchboard (01432) 260000 www.herefordshire.gov.uk PAX.

c) All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Bat Conservation Trust.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).

5. Representations

5.1 Woolhope Parish Council –

At an extraordinary meeting of Woolhope Parish Council held on 6th October council voted to support the application.

5.2 Hereford Branch of the Campaign to Protect Rural England

Points of concern raised:

- Undischarged condition
- Use of roads/traffic
- Drainage and waste
- Use of natural water resources

5.3 Public representations

5.4 15 Representations of objections and two general comments have been received and relate to the following.

Highways:

- Increased traffic,
- Unsuitable roads

Visual impact & amenity

- Increased water use, impacting on immediate residents in vicinity
- Loss of views when viewed from public rights of way.

Procedural

- Undischarged conditions on previous planning permission

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258&search-term=202258

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy 2011-2031(CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Woolhope Neighbourhood Area. The Woolhope Neighbourhood Development Plan is currently at drafting stage and therefore carries no weight at this time.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

- 6.4 The NPPF states that (p158) that LPA should approve applications if its impact are (or can be made) acceptable.

In addition, CS policy SS1 requires that in consideration of development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the social, economic and environmental conditions in Herefordshire.

- 6.5.1 The site itself was subject to a change of use application for use of land to a mixed equestrian/agricultural use, determined and approved in March 2014. Therefore the use of the site to one of equestrian has been established, given this fact, the application submitted is not for the consideration of ongoing equestrian use but for further facilities to facilitate the existing equestrian operations. The proposal is primarily considered under Policies SD1 and LD1 of the CS.
- 6.5.2 Policy SD1 of the CS states that proposals should be designed to maintain local distinctiveness through materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing, and overbearing.
- 6.5.3 The new stables (photo ref 1)) are relatively small in scale and are subservient when viewed in the context of the overall site. The design has taken into account existing buildings and incorporates materials already utilised on site. There are no residential properties within the immediate vicinity and therefore, given that the proposal is additional facilities to the existing use of the site no impact in respect noise is anticipated.

Given the above, it is considered that the proposal accords with policy SD1 of the CS.

- 6.5.4 The principle use of the site for the training of racehorses has been established and the proposed turn out pens (photo ref 2) are considered to be of a reasonable scale to support the requirements of the business. The materials utilised and other features are considered sympathetic with the site as a whole.
- 6.5.5 In this regard, the proposals are considered to satisfy policies SD1 and LD1 of the CS.
- 6.6.1 It is noted that the majority of public objections concern perceived increase in traffic to and from the facility and the unsuitability of the roads in the immediate vicinity to support increased traffic.
- 6.6.2 The Team Leader Area Engineer (Highways) following a number of submissions from the applicant offered no objection to the proposals subject to the submitted Traffic Management Plan - (December 2021), being a condition of any planning permission granted.
- 6.6.3 It is also of note that the NPPF p109 – Highways Safety state “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.6.4 Given highways officers considered opinion, it is considered that, subject to conditions, the proposal satisfies CS policy MT1.

6.7 In respect of CS policies SD3 and SD4, the Principal Natural Environment Officer (Ecology) has no objection subject to suitable conditions as recommended. It is also noted that the surface water generated from the proposal is disposed via soakaways.

Given the above, it is the considered opinion that the proposal satisfies CS policies SD3 and SD4.

6.8 In consideration of CS policy RA6, it is noted that planning applications promoting diversification of rural economy will be permitted where they:

- Ensure that the development is of a scale which would be commensurate with its location and setting
- Do not generate traffic movements that cannot safely be accommodated within the local road network.
- Do not cause unacceptable adverse impacts to amenity of nearby residents in respect of noise, dust, lighting and smell.

Given the commentary above and the consultation responses, it is the considered opinion that the proposal complies with CS policy RA6.

Other matters

6.9 It is noted that a discharge of condition remains outstanding from a previous planning permission granted for the site. The outstanding condition (4) relates to ref 180497 and required details of foul and surface water drainage from a new office building and other ancillary buildings. This matter is being actively pursued by the enforcement team and does not prevent the determination of this application. In respect of the current proposal it is noted that surface water generated from the proposal is disposed via soakaways.

6.10 Concerns in respect of possible water consumption on site have been raised with the view that additional loose boxes on site would result in additional horses. The site owner has confirmed that the additional facilities are not as a result of additional horse on site and that no additional horses are anticipated.

The volume of water consumption from a borehole is monitored and licenced by the Environment Agency. 20,000 litres per day of ground water can be extracted for domestic or commercial usage without any permission or abstraction licence. Amounts above 20000ltrs per day would require a permit from the Environment Agency.

7. Conclusion

7.1 The concerns raised by local residents are fully noted however having regard to the site history and responses received from consultees, together with the addition of the traffic management plan, the proposal is considered to accord with the development plan when read as a whole and therefore the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. The development shall be operated in accordance with the Traffic Management Plan received 14/12/2021

Reason: In order to ensure that the development is carried out without adversely affecting the safe and efficient flow of traffic and that traffic impacts are managed and shared spaces encouraged to mitigate any adverse impacts from the development. Thereby conforming with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. **Within 3 months of the date of this permission evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of ONE bat roosting box; ONE bird nesting boxes and ONE pollinating insect habitat homes/ONE hedgehog home built in to, or attached to the stable block, or on buildings or trees under the applicant’s control should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

3. **Condition-Eco 09: Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)**
 - a) **At no time shall any external lighting except in relation to safe use of the approved stable block be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.**
 - b) **No external lighting should illuminate any biodiversity enhancement, boundary feature, or adjacent habitats**
 - c) **All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Bat Conservation Trust.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in demining 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. Wildlife Protection Informative

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted. Any breach of this legal Duty of Care would be a criminal offence.

3. If the applicant wishes to amend their plans at any time to include foul water management, full details of how foul water will be managed are required: If connected to mains sewer system then confirmation by Welsh Water or other relevant statutory undertaker that this is practicable and acceptable must be provided. If connection to an existing private treatment system is proposed then professional confirmation this system is viable and with sufficient capacity and headroom should be provided. If a new septic tank or package treatment plant is proposed then full details and confirmation that the system will discharge to a soakaway drainage field is requested – NO direct outfall to any local watercourse, stream, ditch or culvert will be acceptable.

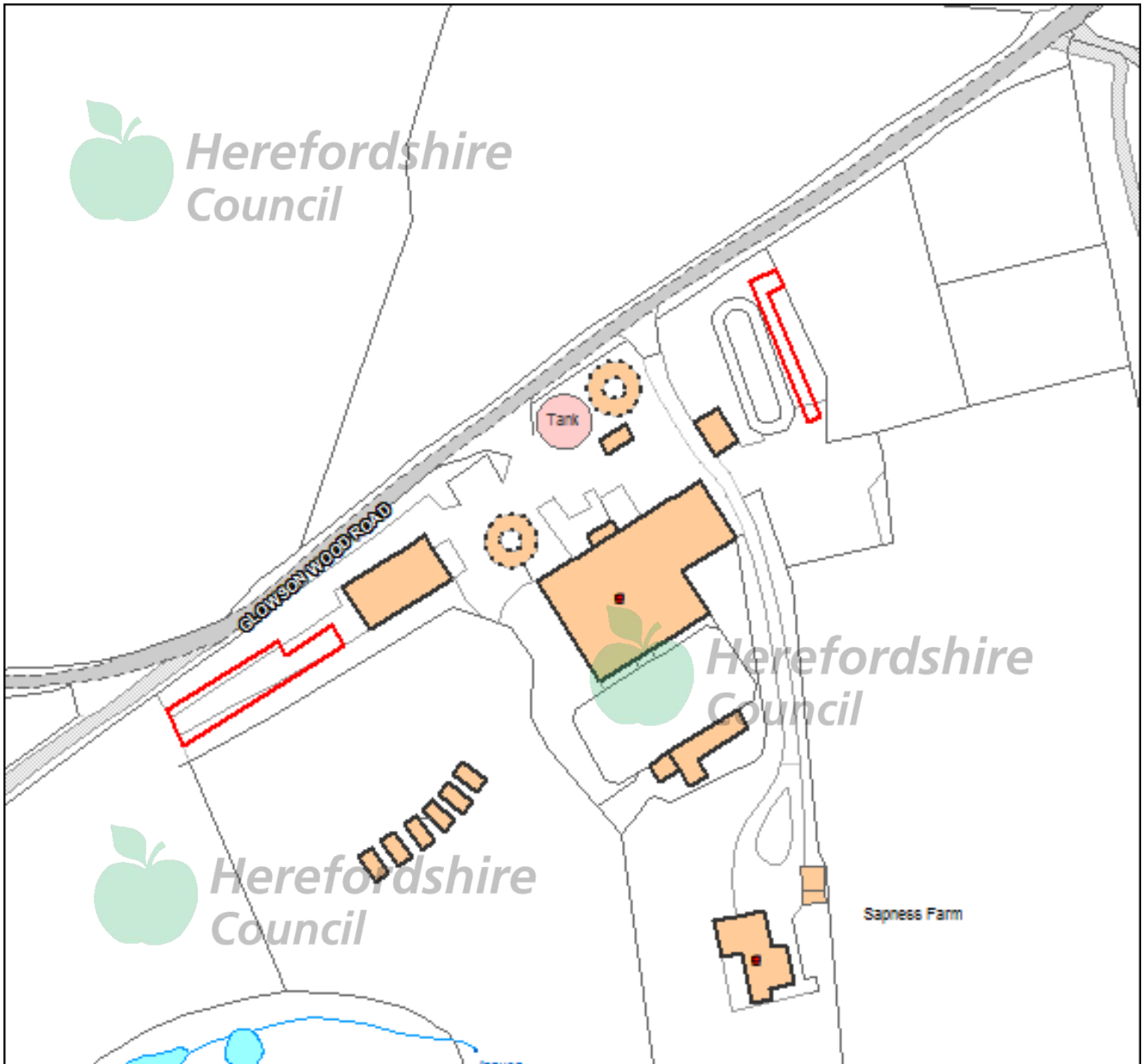
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202258

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Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403