

Agenda

Planning and regulatory committee

Date: **Wednesday 8 February 2023**

Time: **10.00 am**

Place: **The Kindle Centre, Belmont Road, Hereford, HR2 7JE**

Notes: Please note the time, date and venue of the meeting. Please access the following link for the webcast of the meeting:

[Planning and regulatory committee - Wednesday 8 February 2023 10.00 am](#)

For any further information please contact:

Matthew Evans, Democratic Services Officer

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

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

	Pages
PUBLIC INFORMATION	
GUIDE TO THE COMMITTEE	
NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
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.	
4. MINUTES	13 - 22
To approve the minutes of the meeting held on 18 January 2023.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 220370 - WOODFIELDS FRUIT LTD, WOODFIELDS WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PG	23 - 62
Repositioning of approved student welfare/amenity block and use of the land for the standing of 59 mobile homes for seasonal workers (this includes the relocation of 19 existing units approved in 2012 and 11 units relocated from Rock Farm), associated drainage infrastructure, landscaping and 2 laundry units.	
7. 221177 - SHEEPCOTTS, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ	63 - 94
Erection of 1 no. dwelling of outstanding design and associated works including access, landscaping, outbuildings, infrastructure, lake creation and other engineering works.	
8. DATE OF NEXT MEETING	
Date of next site inspection – 14 March 2023	
Date of next meeting – 15 March 2023	

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 261699 or at governancesupportteam@herefordshire.gov.uk

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.

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Public transport links

The Kindle Centre is located on the Asda Supermarket site off Belmont Road in Hereford, approximately 1 kilometre from the City Bus Station. Bus stops are located along Belmont Road.

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.

Minutes of the meeting of Planning and regulatory committee held at The Kindle Centre, Belmont Road, Hereford, HR2 7JE on Wednesday 18 January 2023 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, Tony Johnson, Mark Millmore, Jeremy Milln, Felicity Norman and Ann-Marie Probert

Officers: Lead Development Manager, Development Manager Majors Team, Development Manager, North Team and Legal Representative

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Yolande Watson.

57. NAMED SUBSTITUTES (IF ANY)

No substitutes.

58. DECLARATIONS OF INTEREST

There were no declarations of interest.

59. MINUTES

RESOLVED: That the minutes of the meeting held on 23 November 2022 be approved.

60. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson explained that application 204230 - Priory Farm, Stoke Prior had been deferred for consideration from the current meeting due to the receipt of additional information.

61. 222020 - STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT (Pages 9 - 10)

The planning officer gave a presentation on the application and 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; a video was played of Ms Parkinson, local resident, who spoke in objection to the application; and Ms Boughton, the applicant, spoke in support of the application.

In accordance with the council's constitution a statement was read out on behalf of the local ward member. In summary she explained that local objections to the application concerned: its impact on the character of the settlement of Welsh Newton Common which was contrary to policies in the neighbourhood development plan; and the minimum housing target had

been achieved in the local parish council area. The sustainability of the area for new development was queried; no shop existed and the availability of potable water was problematic. Concern was raised regarding the process to formalise access to the development which was felt to require a section 38 consent under the Commons Act 2006. The impact of the entrance to the development on the local hedgerow and dormice was also raised as a concern.

The committee debated the application.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor John Hardwick. The motion was put to the vote and was carried unanimously.

RESOLVED -

That planning permission be granted subject to the following conditions, an additional informative concerning the proposed vehicular access across common land and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

That planning permission be granted subject to the following conditions:

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans**
- 3. Efficient use of water**
- 4. Electric Car Charging Point**
- 5. Samples of external materials**
- 6. Removal of Permitted Development Rights – Class A, B and C**
- 7. Prior to the commencement development updated details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of any of the buildings hereby permitted. The submission of an updated drainage strategy will need to include:**
 - site specific calculations to accurately size the proposed surface water and foul water drainage features**
 - Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.**
 - Confirmation of groundwater levels**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8. Prior to first occupation of any dwellings hereby approved details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented**

in full unless otherwise agreed in writing by the Local Planning Authority.

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.

- 9. Prior to first occupation of any dwellings approved under this consent details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority**

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.

- 10. The working methods scheme, mitigation and enhancement features relating to Dormice as detailed in the Dormice report by Natasha James on behalf of Wilder Ecology supplied December 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.**

Reason: To ensure that all species are protected and habitats enhanced 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1 SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 11. The ecological protection, mitigation, compensation and working methods scheme including for Great Crested Newts, as recommended in the ecology report by Wilder Ecology dated October 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation measures.**

Reason: To ensure that all species are protected and habitats enhanced 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 12. In addition to the secured Dormice mitigation-enhancement, prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements, FOUR bird nesting boxes, TWO insect hotels/invertebrate habitat boxes, and ONE Hedgehog habitat home 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. No external lighting should illuminate any biodiversity net gain enhancement feature or boundary feature.**

Reason: To ensure that all species are protected and habitats enhanced 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

- 13. Trees in accordance with plans – Welsh Newton Common Tree Report**
- 14. Retention of existing trees (5 Yrs)**
- 15. Remedial works**
- 16. Visibility Splays - northbound 2.4 x 32m and southbound 2.4 x 36m**
- 17. Access gates – 5m**
- 18. Vehicular access construction**
- 19. Parking – Single/shared private drives**
- 20. Construction management plan**
- 21. Secured cycle parking provision**
- 22. Restriction of hours during construction**
- 23. As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all surface water shall be managed through a Sustainable Drainage Scheme on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.**

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 SD4

24. **As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all foul water shall discharge through connection to a new shared private foul water treatment system on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.**

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 SD4.

INFORMATIVES:

1. **Application approved without amendment**
2. **Mud on highway**
3. **Private apparatus within the highway**
4. **Works within the Highway**
5. **Drainage other than via highway system**
6. **The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).**

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process

7. **The proposed development is also crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.**

Councillor Mark Millmore joined the meeting at 10:34 a.m.

62. 211147 - HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD, HILDERSLEY, HEREFORDSHIRE, HR9 7NW

The development manager, majors team gave a presentation on the application.

The committee debated the application.

The development manager, majors team explained that the active travel measures proposed to access the site had been the subject of the earlier outline application and could not be revisited in consideration of the current application. Work was ongoing with the developer to finalise the travel plan and the foot/cycleway will be delivered through the section 106 agreement that was negotiated with the developer.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor Felicity Norman. The motion was put to the vote and was carried by a simple majority.

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:

That planning permission be granted subject to the following conditions:

- 1. C07 - Development in accordance with the approved plans**
- 2. Non Standard Condition**

Prior to the commencement of development to which this application relates, the following details and specifications shall be submitted to and approved in writing by the Local Planning Authority:

- **Surface finishes**
- **Drainage details**
- **Lighting proposals (including specifications)**
- **Boundary treatments**

The development shall be carried out and thereafter maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policies SD1, SD3, RW2 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 CAT – Construction Management Plan**
- 4 CKM – Construction Environment Management Plan**
- 5 CA1 – Landscape Scheme**
- 6 CA2 – Landscape Maintenance Plan**

INFORMATIVE:

1. Application Approved Following Revisions

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.

63. 222785 - CORNER HOUSE, MONNINGTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NL

The development manager, north team gave a presentation on the application.

The committee debated the application.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Paul Andrews and seconded by Councillor Polly Andrews. The motion was put to the vote and was carried by a simple majority.

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:

That planning permission be granted subject to the following conditions:

- 1. C01 - Time limit for commencement**
- 2. C06 - Development in accordance with the approved plans**
- 3. C14 - Matching external materials (extension)**

INFORMATIVE:

- 1. IP1**
- 2. I30**

The meeting ended at 10.58 am

Chairperson

SCHEDULE OF COMMITTEE UPDATES

222020 - PROPOSED DEVELOPMENT OF TWO DWELLINGS. AT LAND ADJACENT TO STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT

For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

Two letters of support have been received since the Committee Report was written. These representations raised the following points:

- Site already has approval for two dwellings and this application is effectively a variation of the approved
- Offers benefits to Ecology as it proposes to utilise the existing access rather than create a new one
- It will be an improvement to the original

OFFICER COMMENTS

No further comments in respect of the above representations

In addition, the Council is aware of ongoing concerns regarding the legal rights of the applicant to create a domestic access across Common Land from the existing agricultural access.

This is acknowledged by Officers but ultimately it is for the applicant to apply separately via a Section 38 consent in accordance with the Commons Act 2006. A planning permission will not override this requirement. I refer Committee Members to the comments received by the Commons Officer in paragraph 4.5 of the Officers Report and the further details in paragraph 6.33 of the report.

An additional informative can be added to a permission as detailed below should this be considered appropriate.

Informative Note proposed: The land to be crossed by the proposed vehicular access is registered as common land, subject to common rights. The applicant's attention is drawn to the provisions of Section 194 of the Law of Property Act 1925 (as amended) and to the carrying out of works on commons.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	8 FEBRUARY 2023
TITLE OF REPORT:	<p>220370 - REPOSITIONING OF APPROVED STUDENT WELFARE/AMENITY BLOCK AND USE OF THE LAND FOR THE STANDING OF 59 MOBILE HOMES FOR SEASONAL WORKERS (THIS INCLUDES THE RELOCATION OF 19 EXISTING UNITS APPROVED IN 2012 AND 11 UNITS RELOCATED FROM ROCK FARM), ASSOCIATED DRAINAGE INFRASTRUCTURE, LANDSCAPING AND 2 LAUNDRY UNITS AT WOODFIELDS FRUIT LTD, WOODFIELDS, WESTON UNDER PENYARD, ROSS-ON-WYE, HR9 7PG</p> <p>For: Mr Savidge per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220370&search-term=220370
Reason Application submitted to Committee – Redirection - Public Interest	

Date Received: 4 February 2022

Ward: Penyard

Grid Ref: 363230,224280

Expiry Date: 10 February 2023

Local Members: Cllr William Wilding.

1. Site Description and Proposal

- 1.1 The application site forms a part of an agricultural holding known as Woodfields which is located on the C1283 approximately 400m North West of its juncture with the C1280 and to the north of the village of Weston Under Penyard. The village of Lea lies to the south and to the east is the market town of Ross-on-Wye. Porch Farm and Dairy Cottages are located opposite and Bollitree Castle (Grade II*) and its associated listed buildings and Bollitree Farm are located to the southwest of the farm. Public footpaths WP22 and WP24 cross the farm. Currently on site are 19 mobile homes which are occupied by seasonal agricultural workers and these are detailed on the plans inserted below.



Figure 1 Aerial View of the site

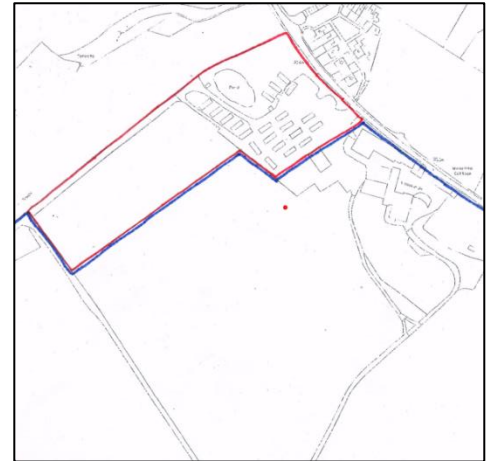


Figure 2: Site location plan

- 1.2 Woodfields Farm is an expansive farmstead comprising of mostly modern agricultural buildings. Planning permission was granted in 2012 for the change of use of land for the erection of polytunnels and the siting of residential units for seasonal workers. This farm is part of the BH Savidge Group and it is also used for the growing of apples as well as soft fruit. The farming business currently employs 270 staff at peak times across its holdings. The application site is not located within an AONB, nor within a conservation area and no listed buildings / heritage assets are on or immediately adjacent to the application site. The site is not within the settlement boundary of Weston under Penyard.
- 1.3 The area where the proposed amenity block is to be sited is an area of hard landscaping and surrounding by polytunnels and existing large farm buildings. The land is generally level with landform rising to the south beyond the extents of the study site. The application site is adjoining a PRow to the north which runs along an existing vehicle access track. A tall hedgerow and established trees to the north of the track enclose the footpath. The wider landscape is agricultural in character with fields of arable crops interspersed with large areas of polytunnels. The 19 existing static caravans are located around an existing pond and on hard standing adjacent to the existing farm yard and access.
- 1.4 The proposal consists of the change of use of the land for the siting of seasonal workers mobile homes, repositioning of a welfare building, associated drainage works and landscape enhancement. This application seeks the change of use of the land for the standing of 59 mobile homes (this includes the relocation of 19 existing units approved in 2012 and 11 units relocated from Rock Farm an existing farm under the BH Savidge Group in nearby Lea). The 19 existing caravans on site are to be relocated to the south and west adjacent to the relocated welfare building. The application confirms that the applicants wish to consolidate the fruit picking, storage and packaging to Woodfields Farm. The seasonal accommodation runs from May to November with the majority of workers arriving in May and remaining on site until early October. The welfare building was granted permission on the site under application 200444 however has not been constructed. The proposed welfare building is of a simple utilitarian form, and to measure 13m by 12m. As can be seen below the roof pitch is low with solar panels proposed on the North West elevation and the proposed roof is 4058mm high.
- 1.5 A public right of way runs immediately alongside the northern boundary of the site and PRow WP22 which runs through the site is proposed to be diverted. The approved caravans on the site gained permission under application permission 100874. Please see link below to this application and the plans below to the approved existing site layout:
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=100874&search-term=100874

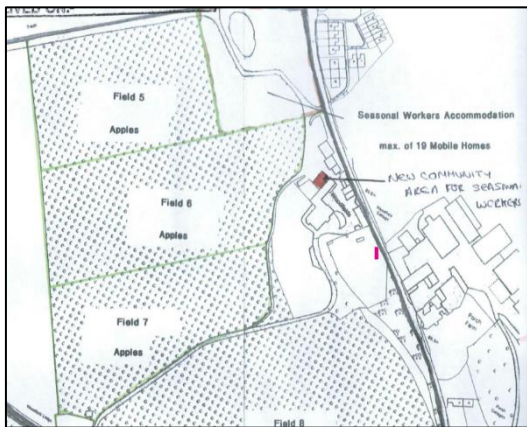


Figure 3: Approved plan

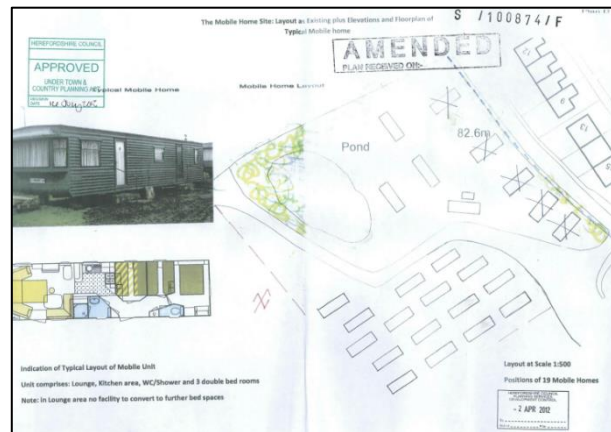


Figure 4: Approved location of caravans

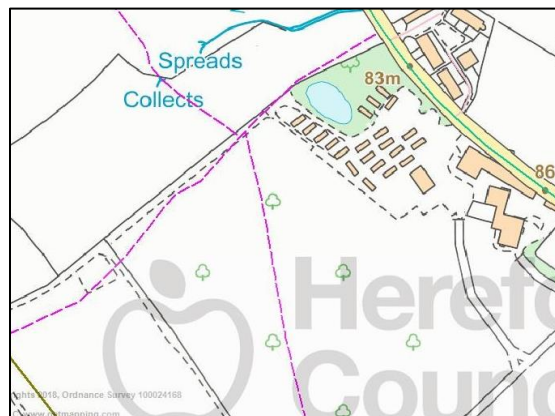
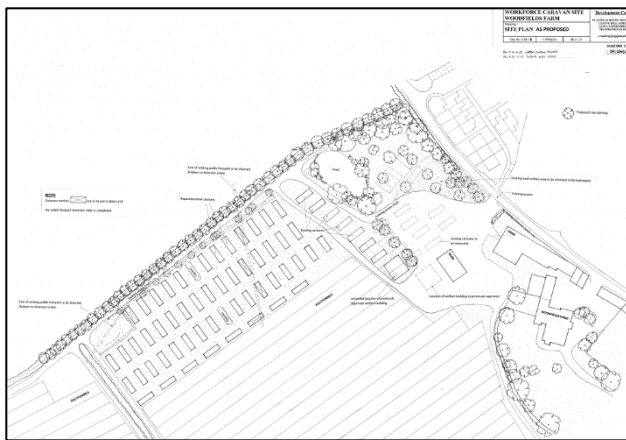


Figure 5: Current Proposed Site Plan and extract showing PROW (pink) for clarification

1.6 This application seeks to the change of use of the land for the standing of 59 mobile homes, in simple terms this:

- includes the relocation of 19 existing units approved in 2012 to the south and west adjacent to the relocated welfare building
- the relocation of 11 units from Rock Farm an existing farm under the BH Savidge Group in nearby Lea)).
- An additional (increase) 29 seasonal mobile units on site.

The proposal has been amended during the application and includes:

- Updated landscape proposals drawing which tags the proposed trees and identifies the existing and proposed trees
- Updated elevations drawing which has the specification for the roof colour amended to be 'anthracite' colour for the Welfare Block
- Landscape Note
- The welfare building has been moved to the previously approved location
- Outdoor seating included in the north west corner of the site
- Gravel pathways to mobile homes now shown on landscape plan
- Mobile homes on edges of site to be an agricultural green in colour

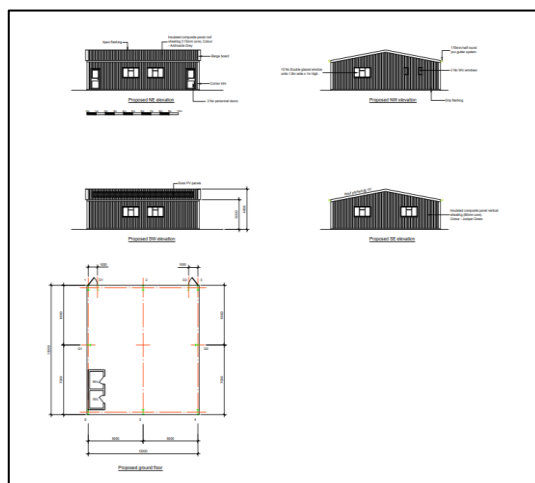


Figure 7: Proposed elevations of welfare unit

1.7 The application has been supported by the following:

- Ecological appraisal
- Flood Risk Assessment
- Landscape and Visual Assessment
- Planning, design and access statement
- Response to Welsh Water
- Landscape Addendum
- Application form

2. Policies

2.1 Herefordshire Local Plan Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA3 – Herefordshire’s countryside
- RA4 – Agricultural, forestry and rural enterprise dwellings
- RA5 – Re-use of rural buildings
- RA6 – Rural economy
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

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 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

2.2 Weston-under-Penyard Neighbourhood Development Plan (NDP)

Policy D1: Design Appearance
Policy D2: Technical Design
Policy SB1: Supporting Local Business
Policy SE6: Sustainable Water Management
Policy SE4: Polytunnel Development

<https://www.herefordshire.gov.uk/directory-record/3118/weston-under-penyard-neighbourhood-development-plan-made-20-may-2016>

2.3 National Planning Policy Framework (2021) (NPPF)

4. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

2.4 Other relevant guidance

Polytunnel Planning Guide 2018

https://www.herefordshire.gov.uk/downloads/file/14577/polytunnels_planning_guide

3. Planning History

3.1 200444 - Erection of student welfare/amenity block: Approved with Conditions: 15/10/2020

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200444

3.2 S100874/F - Use of land for polytunnels and change of use of part of the land for the stationing of mobile home accommodation for seasonal workers (retrospective) - Approved with Conditions -16-Jul-2012

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=100874

4. Consultation Summary

Statutory Consultations

4.1 **Natural England Comments: November 2022: No objection.**

SUMMARY OF NATURAL ENGLAND'S ADVICE
NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment. Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Full comments can be seen below:

<https://myaccount.herefordshire.gov.uk/documents?id=b717a8de-641f-11ed-9063-005056ab11cd>

4.2 **Historic England comments: No advice offered.**

Thank you for your letter of 18 March 2022 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find>

4.3 **Welsh Water comments: Updated comments August 2022: No Objection**

In our previous consultation we reviewed the development proposals and requested a HOLDING OBJECTION was placed on the above planning application in regards to concerns we had regarding sewerage network. Upon further review we can confirm that we can accommodate the proposed foul flows into the public sewerage network. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the

location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

4.4 Welsh Water: Previous comments July 2022

We have reviewed drainage proposals and we have some concerns over the acceptability of foul flows from the proposed development to the public sewer. Welsh Water requests a HOLDING OBJECTION is placed on this application at this time. Upon discussions with the applicant we will provide an updated consultation response.

4.5 Welsh Water: Previous comments March 2022

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE NETWORK

The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme AMP 7 (years 2020 to 2025).

WATER SUPPLY

The site lies in an area where there are water supply problems, for which there are no improvements planned within our current Capital Investment Programme AMP 7 (years 2020 to 2025). We therefore OBJECT to this development on the grounds that this site cannot be served by a suitable potable water supply and would hydraulically overload the existing public sewerage network at this time. We request the developer contact us to discuss. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation

Internal Council Consultations

4.6 Housing officer comments July 2022

There is no affordable housing on this site, therefore, there are no comments from Strategic Housing.

4.7 Landscape Officer (Revised Comments): August 2022

I have reviewed the updated landscape statement, landscape scheme and welfare building.

The landscape statement does now cover the public footpath to the north and the historic core near Bollitree Castle. It is agreed that the dense hedgerow boundaries do obscure views of the existing polytunnels from the historic core and that the overall effect as a result of the additional polytunnels to be regularised and the proposed mobile homes will be negligible. It is also agreed that the site is visible when looking south from footpath WP22 near Kingstone Court. The mitigation measures proposed include an additional hedgerow with trees along this boundary and for the mobile homes on the northern edge of the site to be a suitable dark, matt green colour.

The Landscape Strategy Proposals (dwg 21300.101 rev D) are suitable and will help to mitigate and integrate the development of regularised polytunnels and new mobile homes. The location of the welfare building is closer to the existing barns and buildings, will be screened from the entrance by new native tree planting and will be of a suitable scale and colour to suit the site.

The proposals do now demonstrate that the character of the landscape has influenced the development in accordance with Core Strategy Policy LD1. If the application is to be approved then a condition should be added for a 10 year landscape biodiversity management plan to be provided

4.8 **Landscape officer (original comments): March 2022**

The site and setting was visited for a meeting on 22nd March 2022. The landscape character type is principal settled farmlands. The key characteristics of this type demonstrated on the site include hedgerows used for field boundaries and mixed farming land use. The rolling topography is also an important feature, the site covering south west facing slopes, with raising ground further away up to Penyard Park and the edge of Ross town. There are two public footpaths crossing the site, connected to a local network of other paths. The site is already well established with both polytunnel coverage and workers caravans present, together with a cluster of modern and historic farm buildings.

There are a number of issues that require further consideration before a planning decision is made:

- **Landscape and visual statement** – The landscape character types and policies are correctly identified. I disagree with the landscape character summary which includes that the site is “*low lying and not prominent in relation to the surrounding landscape*” – the northern most parcels of the site are at a local high point in the surroundings. It would be useful to include a section on historic landscape, including locally important features, as well as listed historic buildings.

The visual assessment has missed a viewpoint from footpath WP22 adjacent to Kingstone Court, where there is a direct view to the site for the new caravans and tall welfare block across the local valley. In order to pick up any impacts on historic features, it would also be useful to select a view point near Bollitree Castle and the boundary of the locally important parkland surrounding it. The visual impact of the colour of the caravans should be considered.

- **Welfare building** – The position of the proposed, permanent building is not supported in landscape terms. It extends built infrastructure out into open countryside, having a negative impact on landscape character. It will be visually prominent for users of the adjacent public footpath and other footpaths to the north and west. Its scale and appearance are not sensitive to the local setting. This building would be better retained in its original, approved location, closer to the existing building group. The materials and colour of the building and its roof should be considered to integrate with the environment, not to contrast or stand out with light colour or highly reflective finishes.
- **Landscape scheme** – The new northern boundary hedgerow with trees is welcome as this will provide an additional visual filter and green buffer to the edge of the site, as well as delineating the public footpath. Gravel footpaths between caravans were discussed and should be marked on the plans. Any hard surfacing at the laundry areas should also be shown. Moving caravans away from the pond and established trees is welcome, together with the enhanced planting of this area. Any outdoor seating and picnic bench areas could also be identified.
- **Landscape management** – A 10 year landscape and biodiversity management plan should be provided (either as part of the application or by condition if it is approved). Ideally this will be an update of an existing one and will cover the whole farm, to show integration and green infrastructure commitments.

These comments are provided in accordance with Core Strategy Policy LD1 on landscape character and LD3 on green infrastructure.

4.9 Historic Buildings Officer comments: October 2022

There is no heritage objection to the proposed welfare unit, but the mobile home development raises concerns over its appropriateness in its wider context and its compliance with heritage related policies.

If other benefits resultant from this part of the scheme weigh in its overall favour it is recommended robust conditions relating to temporary permission periods, re-instatement of land to its former state, and the colourway of mobile units are applied to any approval to safeguard the site and limit its impact on the wider historic environment and settlement setting.

Welfare Unit:

The reduction in height for the proposed welfare/amenity structure is acknowledged and welcomed. Whilst it is considered the site would benefit from a structure/s with a more traditional form given its proximity to the historic farmstead buildings of Woodfield Farm, on balance there is no heritage objection to this aspect of the scheme given the presence of intervening modern structures within the group.

Mobile Home Accommodation:

This aspect of the application does not appear to have been influenced by the prevailing character of the built landscape environment, the Western-under-Penyard settlement pattern, or any locally distinctive qualities it possesses, contrary to Policies LD1, LD4 and SS6 of the Core Strategy; from a domestic point of view this character and pattern consists of individual farmsteads centered on single farmhouses, and small clusters of modest detached and semi-detached properties which bound the local road network.

In relation to these factors, Paragraph 197(c) of the National Planning Policy Framework advises Local Planning Authorities take account of ‘the desirability of new development making a positive contribution to local character and distinctiveness.’, and it is difficult to see how a mobile home development could make this contribution positively.

The creation of hard-standing pitches and the siting of 59 mobile home units would be wholly uncharacteristic in this context, and could in effect represent a permeant change to the character of the historic settlement; and whilst the scheme will rely on the presence of hedging and polytunnels to provide screening, this arrangement is not permanently controlled and can change over time.

Heritage Background:

The proposed site forms part of Woodfields Farm landholdings, and historically, is former meadowland associated with the 18th century farmstead. It is situated approximately 120m north-west of Woodfields Farm, and approximately 450m north-west of Bollitree Castle (Grade I), and several associated buildings and structures (Grade II*, and Grade II). Whilst the setting of Bollitree Castle encompasses a degree of land and features which surround it, and were historically associated with it, it is considered that the introduction of the mobile home development in the location proposed will not have a direct impact on its setting given a number of factors such as the distance between the sites, topology, intervening spatial buffers, and established boundary treatments.

So in this instance, the statutory duty to preserve the setting of designated assets, as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, will have been satisfied should approval of the scheme be the final determination.

However, the development will, in a manner which is uncharacteristic, alter the setting of the settlement in which Bollitree is situated, which relates to heritage policies previously outlined.

4.10 **Historic Building officer comments June 2002 (original comments)**

Heritage comments relating to submitted scheme provided to case officer via e-mail (16/03/22) prior to their site meeting. Amended plans are awaited.

4.11 **Transport officer comments (revised comments) August 2022**

The submitted information has been reviewed and the following points can be raised.

1. With the relocations of the units from Rock farm in Lea and the workers only required to travel to the working fields and not from another location to the farm before starting work, therefore the movements for the site have reduced in two locations.
2. The owners are providing transportation to and from Ross for the seasonal workers on their days off, therefore reducing the numbers walking along the rural lanes. There are also frequent bus services to and from Ross.

Therefore if minded to approve, please condition as follows: -

CAT - Construction Management Plan
CB2 - Secure covered cycle parking provision
CB3 - Travel Plan

I11 – Mud on highway
I47 – Drainage other than via highway system
I41 – Travel plans
I35 – Highways Design Guide and Specification

4.12 **Transport officer comments (revised comments) August 2022**

This application can be split into two parts,

First part - the relocation the LHA has no objection to the relocation of student facilities.

Second part – The seasonal workers accommodation – Further information is needed

- A schedule of all movements for the full season on the site
- Do the workers all have the same day off? If they don't how many are off per day? If they do have the same day off how do the excess of workers that cannot be accommodated on the buses exit the site?
- Of the 270 current staff how many already work on this site?

4.13 **EHO officer comments (Contaminated land): August 2022**

Given that the amended plans have not significantly changed, I have nothing to add to my previous comments (that I have attached below) regarding contaminated land and human health issues:

The mobile home accommodation that forms part of the application is within 250 metres of a former landfill site that accepted domestic waste between 1965 and 1972.

However, due to the type and proximity of the development (approximately 240m) it would seem disproportionate to request a full site investigation be undertaken and as such I have no adverse comment to make regarding this application

4.14 **EHO officer comments (Contaminated land): original comments May 2022**

As above.

4.15 EHO officer Noise comments: Updated comments November 2022

Comments made by this Department on 8th October 2022 included the following:

‘...prior to works commencing a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority. This shall include communication of site rules, a complaints procedure and log and details of a periodic review of the noise management plan’.

I have now received the noise management plan and am satisfied that it addresses the areas of concern that were originally raised. The applicant has stated that the plan will be reviewed on a 6 monthly basis and has also introduced a complaints and monitoring system which includes permanent on site supervision. I would just like to add that I would expect the complaints log and monitoring information to be provided to a local authority environmental health professional upon request.

4.16 (Noise) October 2022

My comments are from a noise and nuisance prospective.

Subsequent to our initial response by my colleague on 1st March 2022, it has come to light that there have been impacts on the amenity of local residents at the site. The Department has received complaints relating to alleged noise from employees in the form of shouting, loud music and bass beats, especially in the evenings and at weekends into the early hours. Despite the proposed relocation of some of the caravans, other units remain under 100 meters from the nearest receptors.

Therefore, prior to works commencing a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority. This shall include communication of site rules, a complaints procedure and log and details of a periodic review of the noise management plan.

The plan should address the following headings:

- statement of intent
- a brief summary of the premises / site / activities
- a location / site plan
- an inventory of potential noise sources
- detail of noise controls and limits (e.g. site rules)
- site noise monitoring and / or evaluation
- responding to complaints (including actions to be undertaken and recorded)
- management command, communication, and contact details
- periodic NMP review

4.17 EHO officer comments: (Noise) original comments March 2022

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

4.18 Tree Officer Comments: Revised July 2022

I have no further comments to add in light of the amended plans.

4.19 Tree Officer Comments: Original February 2022

The arboreal constraints posed by the development are low with the relocating of the mobile homes and community block being sited away from any trees. The additional tree and hedge planting comprises of a native mix that should help to soften the impact of the development in the landscape and provide ecological enhancements.

In my summary I don't have an objection to proposals based on the low impact on existing trees and additional planting which demonstrates the complaint with polices LD1 & LD3.

Condition:

Planting In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Landscape Strategy Proposals

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4.20 Drainage officer comments: Revised August 2022

I note that we have been reconsulted on the above site despite having no objections to the proposed development. I have reviewed the objection submitted by Welsh Water regarding the concerns on capacity and the subsequent response by the Applicant. I recommend that Welsh Water are consulted again based on the additional information submitted by the Applicant. If Welsh Water continue to object, then please can we be reconsulted as it may change our position. Currently we understand the foul water drainage arrangements that the Applicant is proposing to be viable, however if Welsh Water do not approve, then ultimately this could scupper the development plans

Tree Officer Comments Original comments February 2022

Our knowledge of the development proposals has been obtained from the following sources:

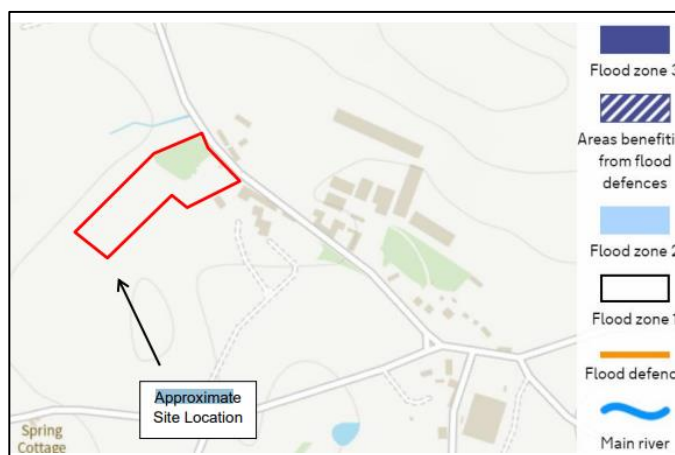
- Application for Planning Permission;
- Location Plan (Ref: 1418/5);
- Proposed Site Plan (Ref: 1418/1);
- Drainage Design (Ref: P04);
- Flood Risk Assessment (Ref: Draft);

Overview of the Proposal

The Applicant proposes relocation of an approved student welfare block and the use of the land for 40 additional mobile homes for seasonal workers, which includes the relocation of 19 previously approved units and relocation of 11 units from another site (total increase of 29 units at the site). The site covers an area of approx. 2ha. There is an existing pond in the far northern area of the site and ground levels slope down to the south west.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), March 2022



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. However as the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

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

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

Based on a recorded worst case infiltration test result of 1×10^{-5} , runoff from paths and caravan roofs will be collected at ground level, using gravel trenches and conveyed through them into an infiltration basin located at the lowest point of the site. Water will partially infiltrate within the trenches and the rest within the basin. Potential sediments will be trapped using catchpits. The SuDS features have been designed to attenuate the peak rainfall for a 1 in 100 year plus 40% climate change event.

Foul Water Drainage

As there is a foul public sewer within 30m of the proposed development site, a connection onto the foul public sewer is proposed. Currently the 19 mobile homes already located on the site discharge to a treatment system, however they will be connected onto the proposed system once relocated.

Foul water flows will be conveyed by gravity towards a pumping station located to the west of the site, in a low area. The development includes up to 59 caravans, with a maximum of 6 people in each one. The total of equivalent persons is $59 \times 6 \times 0.8 = 283P$ and therefore the maximum volume for 1 day is 42,450 litres. It must be noted the seasonal nature of the business, which means that these maximums may only be achieved during short periods of time, and during winter only a fraction of the flows will be created. The connection into the Welsh Water system is subject to a Section 106 consent. Flows are to be agreed with Welsh Water. Although we note that the foul water drainage system will remain private, we request that that the system, including the pumping station is built to Sewers for Adoption standards. Although we are not aware of any specific legislation for caravan sites, a Type 3 pumping station would be acceptable for this size of development, as a reliable means to prevent foul water flooding.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Confirmation from Welsh Water that the proposed foul water system and design are acceptable.
- Confirmation of the final design specification of the foul water drainage infrastructure

4.21 Ecology officer comments: Updated October 2022

HRA completed and sent to Natural England. Slightly revised lighting condition from original comments.

The completed HRA can be viewed at:

<https://myaccount.herefordshire.gov.uk/documents?id=737610c3-9d51-11ed-9064-005056ab3a27>

4.22 Ecology officer comments (May 2022)

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, (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')) as being of international importance for its aquatic flora and fauna. The site is also within 10km of the Wye Valley Woodlands SAC (Horseshoe Bats as an associated species) that also triggers HRA considerations

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 planning consent. The LPA must submit the required HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The LPA requires all information to be beyond doubt and legally and scientifically certainty in order to complete the HRA process that must be completed with a precautionary approach.

Notes in respect of HRA appropriate assessment

The proposal is for a total of 59 agricultural worker caravans (seasonal) with associated support facilities.

River Wye SAC:

- The proposal generates additional foul water flows.
- The applicant has advised that all foul water will discharge to the local mains sewer system managed by Welsh Water through their Lower Cleeve Wastewater Treatment Works.
- Welsh Water's Lower Cleeve Waste Water Treatment Works – that discharges outfall in to the River Wye SAC hydrological catchment.
- This development is within the 'English' Lower Wye catchment of the Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.

- Welsh Water have currently advised that the local mains sewer system does not have the capacity to manage the flows generated by this development and upgrade plans are not currently proposed.

- The development will create additional surface water flows.
- Supplied information confirms that all surface water can be managed through an appropriate onsite Sustainable Drainage System

An OBJECTION is currently raised - as certainty of appropriate foul water management scheme being achievable for the development remains uncertain, there remains an unassessed potential adverse effect on the integrity of the River Wye SAC. Confirmation by Welsh Water of main sewer capacity and final confirmation that a legal connection can be achieved is requested. Once scientific and legally certain confirmation has been received the required HRA appropriate assessment can be progressed. Reason: the application does not demonstrate compliance with Core Strategy LD2, SD4 (SS1, SS6 also apply); 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'); NPPF (2021); NERC Act (2006) obligations and considering the council's declared Climate Change and Ecological Emergency.

Wye Valley Woodland SAC (Horseshoe Bats)

- The site is within 7-10km of any relevant feature of the WVV SAC and falls outside the significant Bat Core Sustainance Zone usually associated with Horseshoe Bat species (5km)– there is still a low potential for impacts arising from any significant increase in local night time illumination levels (Dark Skies-Intrinsically dark landscape)
- The ecology report by Janet Lomas dated January 2022 refers and confirms that there are no identified bat roosting features being impacted by the development.
- A condition to ensure no significant additional external lighting is installed or operated can be included on any planning permission finally granted

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved worker accommodation 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.

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.

Additional ecology comments

The ecology report by Janet Lomas dated January 2022 refers.

From information supplied and images available there are no immediate ecology related concerns with adjacent to the site. There are relevant species records within the wider locality – including bat roosting. 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:

Wildlife Protection Informative

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, 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.

It is noted that the proposed 'Biodiversity Net Gain' is integrated into the proposed landscaping scheme that is currently subject to consultation and final approval by colleague in Landscape. Subject to approval by Landscape and the ethos and discussions within Janet Lomas' report being incorporated there is no additional ecology condition required as all agreed proposals will be secured via a landscape condition.

4.23 **PROW officer comments:**

Objection.

Footpaths WP22 and WP24 would be obstructed.

5. **Representations**

5.1 **Weston under Penyard Parish Council comments:**

Amended comments August 2022: Full commentary can be seen via the link below:

<https://myaccount.herefordshire.gov.uk/documents?id=28e364dd-1d54-11ed-905c-005056ab3a27>

The Parish Council OBJECT to this application and reiterates their comments made in the original application.

This re-consultation offers no further information or solutions to the various issues listed and in apparent conflict with the provisions of the NDP. These are listed below:

- 1) PRow's WP24 and WP22- either an official application for diversion or made more accessible
- 2) Traffic impact
- 3) Foul Water Drainage
- 4) Surface Water surcharge to Rudhall Brook
- 5) Landscaping

Weston under Penyard Parish Council comments:

Original comments March 2022: Full commentary can be seen via the link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220370&search-term=220370

The Parish Council OBJECT to this application. There are a number of areas where the proposal is in apparent conflict with the provisions of the NDP. These are listed below:

- 1) Diversions to PRow's WP24 and WP22.
- 2) Traffic impact
- 3) Foul Water Drainage
- 4) Surface Water surcharge to Rudhall Brook
- 5) Landscaping

5.2 5 Letters of Objection have been received over 2 rounds of Public Consultation

The matters raised are summarised as follows

Transport/Access

- Infrastructure roads from the A40 could not support the 59 seasonal caravans: roads in disrepair: rutting and potholes. Roads to A40 need to be resurfaced.
- Implement street lights outside Dairy Cottages to prevent accidents from extra HGV's and MPV traffic
- Will the entrance be upgraded to prevent flooding from existing water run off
- Consent given to farm opposite for a new entrance and road was not surfaced/improved
- Extra traffic on road and pedestrians
- Increase in numbers of mini buses

PROW

- What happens to the PROW that crosses the planned area?
- Increase in littering of PROW

Anti-Social behaviour

- Loud music, shouting, shrieking, whistling, fires/smell of smoke from the workers in the mobile homes. Loss of sleep
- What are the workers are going to do at the weekend
- Litter and beer can been left around.

Welfare Building

- Should be located away from Dairy cottages

Other matters

- Smell of effluent. Tanks not emptied enough?
- Too many people living on the farm will overwhelm the village
- Refrigeration lorries going overnight. Increase in lorries.
- Groups of people congregate close to Dairy Cottage

5.3 Ramblers Association comments:

We Object to the change of land use while the re-routing of WP22 remains legally unresolved. The Defined route of WP22 is already blocked by the existing Woodfields Ltd polytunnels in the same field and a diversion has never been agreed and/or waymarked. The proposed development would extend that blockage northwards through the development site to WP24.

We note that proposed changes to WP22 (and WP24) are indicated by long dashed purple lines in the application. The legal status of these revised routes needs to be secure. Appropriate signage needs to be installed in order to guide walkers using these two Rights of Way from any direction before any development work takes places. The Public Rights of Way must be kept clear of building structures, materials and equipment, and the safety of walkers ensured during and after the proposed development operations.

5.4 Open Spaces Society comments

Full comments and photograph can be viewed on line: see link below

<https://myaccount.herefordshire.gov.uk/documents?id=2be78c8a-ab68-11ec-baf1-0050569f00ae>

WP22

This footpath runs north and through the middle of the proposed development site. Preliminary site work in advance of planning decision, has decommissioned poly tunnels in the north of the development site. This has resulted in the Northern end of WP22 not being reinstated and also being obstructed by dismantled poly tunnel frames and wires. The proposal as planned would obstruct the route of WP 22 with at least 4 out of the 59 mobiles being placed across the line of the Public Rights of Way. There is no planned provision for the existing public right of way with this proposal.

WP24

This footpath runs from West to East diagonally through the development site. The proposal as planned would obstruct the route of WP24. Around 14 of the 59 mobile home units would

be placed across the public right of way. There is no planned provision for the existing public rights of way within this proposal.

Taking into account the existing rights of way, this proposal is unacceptable and a formal Objection is made.

- 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=220370&search-term=220370

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 (CS) and the 'made' Weston-under-Penyard Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.

- 6.3 The application seeks planning permission for the repositioning of an amenity building for seasonal workers that reside at the site. The welfare building was granted permission on the site under application 200874 on 15 October 2020. The application also seeks the change of use of the land for the siting of 59 mobile homes for seasonal workers (this includes the relocation from the adjoining site of 19 existing units that were approved in 2012 and 11 units relocated from Rock Farm). As part of the proposal there is associated drainage infrastructure, landscaping and 2 laundry units.

Principle of development

- 6.4 Policy RA6 of the Core Strategy seeks to support employment generating proposals which help to strengthen and diversify the rural economy; a range of economic activities will be supported to this end. This includes the support and strengthening of local food and drink production as well as supporting the retention or diversification of existing agricultural businesses. Proposals will need to be of a scale suitable for the location and setting. The economic benefits for the rural economy will need to be weighed against any impact on the amenity of nearby residents, impact of the local road network and ensure they do not undermine the achievement of water qualities target.
- 6.5 The NDP contains locally specific policy which supports the above RA6. SB1 of the NDP states that development proposals for agriculture which sustain or increase local business activity, offer employment and appropriate skills training in the parish will be supported providing that:

- a) The development can be accommodated within the rural character of the parish;
- b) The development does not adversely affect residential and environmental amenity. In terms of environmental amenity, this will include protecting biodiversity, in particular ensuring no significant

effects upon any sites designated Special Areas of Conservation; the landscape, the water environment; and the historic environment;

c) The road network, access and parking provisions should be sufficient for any increase in traffic;

d) Small scale, light or general industry, in particular craft-based operations or sustainable technologies are encouraged to locate in suitably converted rural buildings, or on brownfield sites;

e) External storage and paraphernalia should be effectively screened;

f) Noise and light pollution is minimal; and

g) Proposals for home working, would have no adverse effect on residential amenity, including traffic generation, noise or light pollution.

- 6.6 In addition to the above In terms of the visual and landscape impacts of the development policies SD1 and LD1 of the Core Strategy are relevant.
- 6.7 Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.8 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 maintain and extend tree cover where important to amenity.
- 6.9 Similarly the NDP seeks to reinforce the above via policy D1, which states that all forms of development should offer a design that seeks to reflect local distinctiveness and aesthetic qualities of traditional rural buildings.
- 6.10 The proposed building will support the on-going farming activity as part of the holding by providing communal amenity space for seasonal workers. As such the proposal gains the support, in principle, of both CS RA6 and NDP SB1, providing that the scale and nature of the proposal can be found to be commensurate with the location with acceptable impacts upon neighbouring residents and the wider landscape character. This will be reviewed further on in the report.

Seasonal workers accommodation

- 6.11 The Polytunnels Planning Guidance 2018 replaces and updates the Polytunnels Supplementary Planning Document (SPD) 2008 and prior to that, a previous voluntary code of practice. Its purpose is that it will assist in clarifying which types of polytunnel development will require planning permission and highlight the planning policy issues and requirements such proposals will be expected to address. It expands upon and provides more detailed planning guidance on a number of relevant, but non polytunnel-specific Core Strategy policies. This document provides some invaluable advice, but has not been through a formal public consultation process or sustainability appraisal and therefore cannot constitute a formal Supplementary Planning Document. Therefore whilst it is a material consideration, carries limited weight in the decision making process.
- 6.12 It acknowledges that there is likely to be associated development, particularly those on a large scale, that will invariably also involve other ancillary works or buildings. These may include, for example; seasonal workers' accommodation, toilet blocks, sewage treatment facilities, utility buildings, recreational facilities, storage facilities, drainage or irrigation works. It also acknowledges that the tunnels should come in advance of application for associated development as it is the presence of the tunnels that dictates the necessity for other related proposals.

- 6.13 Residential development in the countryside is only permitted in a limited number of exceptional circumstances, as detailed in policy RA3 of the Core Strategy. Policy RA4 relates explicitly to residential properties for agriculture, forestry and rural enterprises. In terms of economic development, there are policies which seek to promote and encourage the development and expansion of suitable employment generating uses, but these are limited to small scale proposals which are essential for the operation of agriculture in the wider locality.
- 6.14 There are no policies in the development plan which specifically or directly relate to the provision of accommodation for *seasonal* agricultural workers. Albeit there is a policy which relates to polytunnel development (NDP SE4) but there is no reference to accommodation. Therefore a strict interpretation of the relevant planning policies would suggest that planning permission should not be granted. However, such a stance would unacceptably fail to recognise that this proposal to retain the accommodation reflects the special circumstances that the applicant faces in sourcing and accommodating the number of seasonal workers required to sustain an established and economically productive agricultural business and this recognised within the Councils polytunnel guidance 2018.
- 6.15 This is supported by paragraph 79a of the NPPF which states that where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside an exception should be made to the restriction of development.

Employment and the rural economy

- 6.16 Paragraph 84 a) and b) of the NPPF 2021 set out that planning policies and decisions should enable, inter alia:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land based rural businesses;
- 6.17 Woodfields Farm is an established rural business with 2500 acres of mixed arable and fruit cropping providing soft fruit supplying customers such as large supermarkets and employing staff at its site. The farm currently employs 270 staff at peak times. Productivity needs to grow alongside wage increases, quality expectations and the cost of raw materials. This is to be weighed into the planning balance.
- 6.18 The Polytunnel guidance 2018 acknowledges that the soft fruit industry is labour intensive compared to many other parts of the agricultural sector. Temporary staff are taken on to work on fruit farms where polytunnels extend the growing season and can be employed for longer parts of the year than was previously the case before the introduction of tunnel growing. Much of the labour used is temporary foreign labour. During harvesting, these seasonal workers are brought in to a growing area. At this time they make some contribution to the local economy by spending money in local shops and businesses and make use of local services, for example. In addition soft fruit enterprises will purchase goods and services from elsewhere both locally and in the UK, helping to support jobs in supplier companies.
- 6.19 The number of additional employees required to work on fruit farms has resulted in an increase in inward migration to rural areas. In some areas this has increased pressures on local services and infrastructure such as schools, police and doctors' surgeries. Conversely, it can be said that local services are better supported (buses, shops, pubs, schools etc.) and that such support is helping to keep these services alive in rural locations, where they have previously struggled to remain economically viable. The positive or negative influence of an increase in local populations, whether temporary or permanent, should be addressed as part of the assessment of the economic effects that polytunnel proposals may have on localities.

- 6.20 It is recognised that the seasonal workers who use the caravans do support local business and the local bus services as well that in turn, helps retain these and provide a social and economic benefit to the wider community. It is also accepted workers also ensure that the enterprise (Woodside Farms) is operational and this, in turn, supports employment locally with the usual associated economic benefits in accordance with the aims of the NPPF and with policy RA6 of the Core Strategy.
- 6.21 Officers are assured that there is a continued functional need to retain workers on site and that the siting and location of the accommodation is satisfactory from a spatial perspective to continue to support the function of the enterprise and support the local economy.
- 6.22 Whilst the principle of development is accepted, it is necessary to consider the social and environmental impacts of the development.

Flooding and Drainage

- 6.23 The Council's Land Drainage Team (Local Lead Flood Authority) has been consulted on the application as have Welsh Water. A Flood Risk Assessment (FRA) and Drainage Statement has been submitted to accompany this planning application. 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).
- 6.24 The application site falls entirely within Flood Zone 1, which is classified as low probability of flooding. Currently there is a private treatment plant serving the existing caravans and the Welsh Water wastewater plans show a foul water sewer to the north of the site. In regards to the nearest watercourse to the site this is the Rudhall Brook, a tributary of the River Wye, which is 1.32 km to the North of the site. An unnamed brook is located 550m to the west of the site.
- 6.25 In regards to surface water drainage, any runoff from paths and caravan roofs will be collected at ground level, using gravel trenches and conveyed through them into an infiltration basin located at the lowest point of the site.
- 6.26 When looking at foul sewage a connection onto the foul public sewer is proposed and the existing 19 mobile homes already located on the site discharge to a treatment system, however they will be connected onto the mains once relocated. Welsh Water have provided updated comments and removed their previous holding objection in regards to concerns about the sewerage network and subsequently confirmed there is sufficient capacity within the public sewerage network for the proposal. Foul water flows will be conveyed by gravity towards a pumping station located to the west of the site. It is noted that drainage colleagues do not object in principle to the proposal, however have asked for planning conditions to gain confirmation from Welsh Water that the proposed foul water system and design are acceptable as well as confirmation of the final design specification of the foul water drainage infrastructure.
- 6.27 The Parish Council have objected to the proposal due to foul water drainage and surface water surcharge to Rudhall Brook in accordance with NDP policy SE6. This matter has been carefully conserved by both Welsh Water and the Council's Land Drainage officer as can be seen from the comments above. No objections are raised subject to suitably worded conditions. As such, officers would conclude that the application aligns with both Core Strategy policies SD3 and SD4 and NDP policy SE6 and will be controlled via condition. As such there is no identified conflict with the Parish Council's response in this matter.

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

Water Supply

- 6.28 It is noted that the application site lies in an area where there is water supply problems, however the farm is and has always been served by boreholes, including the existing caravans. No water supply is required and it is acknowledged that Welsh Water have raised no objection on this matter.

Ecology and Biodiversity

- 6.29 Policy LD2 of the Core Strategy seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.30 The application is supported by an Ecological Appraisal Report by Janet Lomas dated January 2022 which confirms that there are no identified bat roosting features being impacted by the development. The Council's Ecologist has been consulted and considers the submitted ecology report which includes appropriate surveys is relevant and appropriate. Subject to the conditions which includes a condition to ensure no significant additional external lighting is installed or operated can be included has been suggested by the Council's Ecologist. The proposed development is considered to comply with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and NDP policy SE1.
- 6.31 In respect to the proposed 'Biodiversity Net Gain' this is integrated into the proposed landscaping and the ecology officer has clarified within their comment there is no additional ecology condition required in regards to this matter. This ensures compliance with policy LD2 of the Core strategy and SE1 of the NDP.

Habitat Regulations Assessment

- 6.32 The application site is located within the Rudhall Brook sub-catchment of the wider River Wye Special Area of Conservation (SAC) and as such the Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal and undertaken the required Appropriate Assessment (AA) which concluded that there would be no likely effects upon the integrity of the River Wye SAC. The HRA AA was submitted to Natural England for reviewed who returned a no objection response. This is also in line with NDP policy SE1.

Landscape and visual impact

- 6.33 Policy LD1 in the Core Strategy requires all development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection. It also requires proposals to conserve and enhance the natural, historic and scenic beauty of important landscape and features and incorporate new landscaping schemes and their management to ensure developments integrates appropriately into its surroundings.
- 6.34 Policy SE1 in the NDP deals specifically with the natural environment and requires all new proposals to demonstrate that they do not adversely affect landscape character but include measures to conserve, restore or enhance the landscape features such as trees, vistas and panoramic views maintain and preferably extend tree distribution and cover as well as retain important landscape assets of the parish such as ancient trees, orchards, hedgerows and open green spaces.

- 6.35 The proposed seasonal workers accommodation and the welfare block are all contained within the existing site holding, as is shown on the block plan above. The site is not located within a landscape with any national designation and is largely characterised as 'Principle Settled Farmlands' in the Council's Landscape Character Assessment. These are areas that are often found in the rolling, lowland area of Central. The key characteristics of this type demonstrated on the site include hedgerows used for field boundaries and mixed farming land use. The rolling topography is also an important feature, the site covering south west facing slopes, with raising ground further away up to Penyard Park and the edge of Ross town. As highlighted above there are two public footpaths crossing the site, connected to a local network of other paths. The site is already well established with both polytunnel coverage and workers caravans present, together with a cluster of modern and historic farm buildings.
- 6.36 The landscape officer has visited the site and surrounding area, accompanied by the case officer, to assess the impact of the landscape character and visual amenity. In response to comments from the landscape officer amended plans to include an updated landscape statement were submitted as well as a landscape scheme and amendment to the welfare building. The Council's Landscape Officer has fully reviewed the revisions in respect of the application and acknowledges that the landscape statement does now cover the public footpath to the north and the historic core near Bollitree Castle.
- 6.37 The landscape officer has also advised within their comments that the dense hedgerow boundaries do obscure views of the existing polytunnel and that the overall effect as a result of the additional polytunnels to be regularised and the proposed mobile homes will be negligible. It is also agreed that the site is visible when looking south from footpath WP22 near Kingstone Court. As part of the revised scheme mitigation measures are now proposed which include an additional hedgerow with trees along this boundary. It is also clarified that the mobile homes on the northern edge of the site are to be a dark, matt green colour which is considered to be more acceptable.
- 6.38 The applicant has amended the proposed landscaping during the application process to incorporate more substantial planting along the southern boundary of the field to assist in screening the caravans from view within the landscape and the landscape officer has confirmed they have no objection to the latest plans and that they are satisfied the harm to the overall landscape character will be minimal. The caravans will be seen from a number of public vantage points to the south, mainly footpaths, and the scattering of dwellings; however they will be seen in conjunction and as an integral part of the overall polytunnel soft fruit enterprise.
- 6.39 The Landscape Strategy Proposals (dwg 21300.101 rev D) as detailed below are considered to be suitable as well assisting to help to mitigate and integrate the development of regularised polytunnels and new mobile homes. The relocation of the welfare building which is now closer to the existing barns and buildings, will be screened from the entrance by new native tree planting and will be of a suitable scale and colour to suit the site. The Landscape Officer has confirmed no objection.



Figure 8: Landscape proposals

- 6.40 The Tree Officer has also reviewed the revised proposals and confirms that the arboreal constraints posed by the development are low with the relocating of the mobile homes and community block being sited away from any trees. The additional tree and hedge planting comprises of a native mix that should help to soften the impact of the development in the landscape and provide ecological enhancements. No objection has been raised based on the low impact on existing trees and additional planting which demonstrates the compliance with policies LD1 and LD3.
- 6.41 To conclude, both the Tree Officer and the Landscape Officer has outlined above are satisfied that the mitigation measures proposed are sufficient to offset any adverse impacts on landscape character and visual effects, with regards to both the seasonal workers accommodation and welfare block. Overall, officers would conclude that the proposals, with the appropriate mitigation secured by the conditions suggested, would comply with the requirements of policy LD1 and LD3 of the Herefordshire local Plan – Core Strategy, Policy SE1 of the NDP and with the guidance contained within the NPPF.

Design and Site Layout

- 6.42 Core Strategy Policy SD1 relates to sustainable design and energy efficiency and states development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:
- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,
 - 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;

- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures.

6.43 The design of the welfare building is driven by its functional requirements, however it is of a scale, mass and design that is considered appropriate in its context. The building is directly west of existing industrial development. It is also noted that solar panels are proposed on its roof. The design of the building is functional and in keeping with the agricultural character of the site and surrounding landscape. The positioning on the site is such that it is set back from the site boundaries and adjacent to the existing agricultural buildings and infrastructure. As such there will be a limited visual impact upon the local area and no impact in regards to the visual impact on the residential amenity of nearby residential dwellings. As such the proposal is considered to adhere to CS SD1, LD1 and RA6 as well as NDP policies SB1 and D1 in regards to the proposed buildings design, scale and siting.

6.44 The position of the proposed welfare block is now supported in landscape term due to revised location closer to the existing building group. The use of the site has clearly caused concern from local residents however this proposed welfare building will provide indoor amenity area that will reduce the need for seasonal workers to gather outdoors and thereby reduce potential noise emanating from the site. The purpose of the building is to provide such a space and the siting of the building is such that it will move any associated activities away from the site boundaries.

6.45 The seasonal workers accommodation is to be contained within the existing farm holding and close to existing buildings at Woodfields Farm. The caravans will meet the definition of caravans as set out in section 29 (1) of the Caravan Sites and Control of Development Act 1960:

103

“... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted”

6.46 Amendment of the definition of caravan in 2006 stipulates that the length shall not exceed 20m or width 6.8m. The overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

Transportation and impact upon local highway network

6.47 Core Strategy Policy SS4 relates to movement and transportation and states new developments should be designed and located to minimise the impacts on the transport. Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy sets out, amongst other things, development should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed or mitigated. Additionally, to ensure safe entrance and exit and have appropriate manoeuvring facilities.

6.48 It is recognised that the site has an existing established agricultural access into the site where all deliveries and collections in connection with the polytunnels development will use. As a result the access into the site is considered to be acceptable. As identified with the highway officer comments there will be a reduction in movements due to the relocation of the workers units from Rock farm in Lea as well as the workers only required to travel to the working fields and not from another location to the farm before starting work, therefore the movements for the site have

reduced in two locations. It has also been confirmed that the owners are providing transportation to and from Ross for the seasonal workers on their days off, therefore reducing the numbers walking along the local rural lanes. There are also frequent bus services to and from Ross from the main Weston under Penyard.

- 6.49 It is noted in the comments from neighbours and although it is acknowledged that the local lanes are not ideally suited to large vehicles, the farm traffic and goods vehicle movements associated with the farming operation would continue irrespective of the presence or otherwise of the seasonal worker accommodation.
- 6.50 In regards to the relocated welfare building there are no additional traffic movement generated from this development.
- 6.51 Acknowledging that the proposed additional accommodation could give rise to additional movements the Local Highway Authority, via their consultation response, requested further information in respect of movements and work patterns and number of staff on site.
- 6.52 It is noted that the facilities for the workers are provided on site and as a visit to the site from a travelling shop. The workers do not have their own vehicles and the applicant runs a minibus for trips into town as well as taking the workers to the surrounding fields (within a 5 mile radius).
- 6.53 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.
- 6.54 The proposal has been reviewed by the Local Highways Authority Area Engineer who confirmed that subject to conditions the proposal was considered to adhere to Core Strategy MT1 and the published highways design guidance. Any 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. The requested conditions address the need for a travel plan, construction management plan as well as cycle provision. Overall, the proposal is considered to be acceptable and in accordance with Core Strategy Policies SS4 and MT1 and alongside NDP Policy ST1.

Public Rights of Way PROW

- 6.55 As highlighted above public footpath WP22 crosses the farm and public footpath WP24 follows the track along the north. The development as proposed would affect public footpath WP22 which runs through the application site. This can be seen on the plans below.
- 6.56 The Polytunnel Planning Guidance offers useful advice about the impacts of tunnels on Public Rights of Way. Planning guidance 16 advises that that there shall be no Polytunnels erected within 2 metres of the centre line of a public right of way or within 3 metres of the centre line of the bridleway. Polytunnels can have a significant impact of public rights of way with regards to the use and enjoyment.



Fig 9: existing PROW's

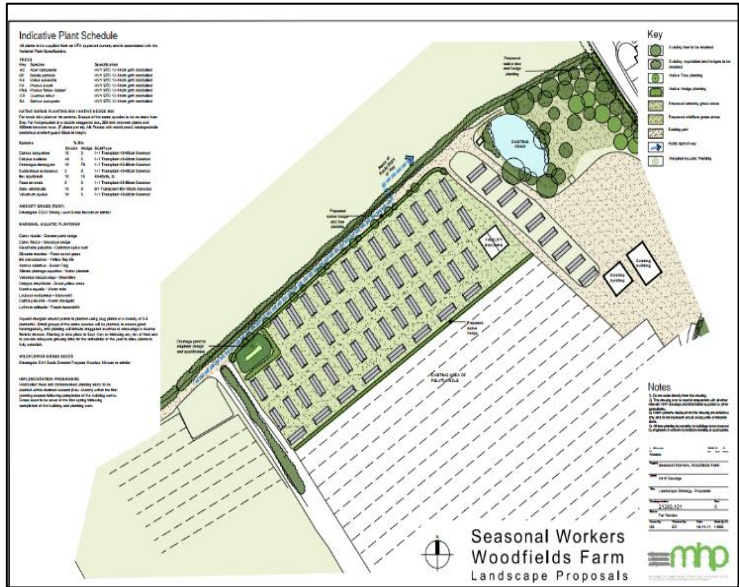


Fig 10: Proposed location of PROW's

6.57 As highlighted above both the Hereford Ramblers Association and the PROW Officer have raised an objection to the scheme, due to the relocation of the existing PROW's which runs through the site WP22 and WP24. Discussions have taken place with the PROW Officer following comments made. Whilst it is noted there is an objection to the scheme, the applicant will need to obtain a separate consent in respect of the rerouting of the PROW. This process will take place outside of the planning application determination and should any issues arise which result in changes to the PROW not being supported, the applicant would have to submit a revised planning application. As such, whilst the concerns are noted, these should delay the determination of the planning application nor would it be reasonable to refuse the application on that basis.

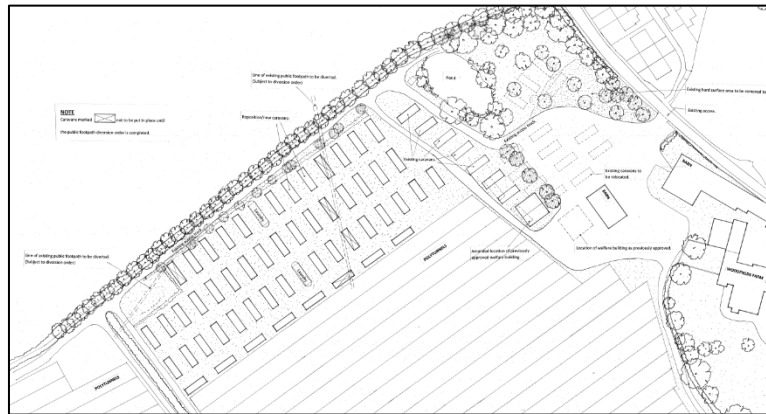


Figure 11: Proposed site plan with footpath notes added and siting of caravans

6.58 The obstruction of the PROW is covered by other legislation (Highways Act), notwithstanding the objection raised by PROW, I do not consider the obstruction of the rights of way necessarily reasons the recommendation of refusal as there are appropriate measures through different legislation to resolve this dispute. The granting of planning permission does not override this legislation. As such it is not considered that this would be a sustainable reason to refuse this application. The plan (figure 11) above clearly shows that the caravans will not be positioned on the site which block the PROW until the footpath diversion order is completed. A planning condition has also be included below to control the siting and caravans to this effect.

Impact upon the Residential Amenity

- 6.59 Policy SD1 in the Core Strategy deals specifically with sustainable design and energy efficient and requires proposals to make efficient use of the land. The policy also requires safeguarding the residential amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise.
- 6.60 The main impact on the amenity on existing residential properties in the area will be from the presence of seasonal worker is in the area, and in particular from the noise and nuisance generated from their presences. There are a number of residential properties in close proximity of the site and representation has been received from immediate neighbours raising concerns in regards to anti-social behaviour and noise.
- 6.61 It is acknowledged that there is also potential for the immediate area's population to be increased due to the number of people living on site and this is a concern as evidenced by the letters of representation, especially with regards to noise and disturbance arising from the general occupation of the accommodation, and more particularly when the workforce are relaxing in the evening. It is important to note that whereas occupants of a dwelling are normally answerable for their behaviour to no one save themselves (within the confines of civil and criminal law) in this case all the occupants of the proposed accommodation are subject to the management and control of their employer. Consequently it is considered that the impact in terms of noise or other disturbance can be appropriately controlled through a 'Site Management Noise Plan' and an appropriate condition is duly recommended to secure the adherence to such a plan. The applicant has submitted a noise management plan for the site which confirms that workers will not be allowed any cars on site. The plan also outlines restrictions on:
- No music from speakers or telephones after 22.00
 - No large speakers
 - No loud singing or whistling after 22.00
 - No shouting
 - No open fire, bbq other than in dedicated part of site (lower part of site)
 - Be considerate when getting ready in early hours and a complaints procedures.
- 6.62 The submission of a noise management plan was a request of the Environmental Health Officer. The Environmental Health officer has confirmed the further information supplied is acceptable and that from a noise and nuisance perspective no objection is raised. However this is subject to a conditions controlling the management of the caravan site as outlined in the noise management plan.
- 6.63 It is considered that subject to an appropriate condition relating to the management of the site and control on noise and operation, the proposal would have a relatively low impact on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the Core Strategy. The wording of the proposed condition has been amended to ensure there is sufficient and adequate noise mitigation in place as well as having flexibility to address concerns as they arise while ensuring the condition is reasonable and therefore meets the required tests.
- 6.64 As well as the assessing the workforce the proposed new amenity block building needs to be assessed in line with policy SD1 in regard to its scale, height and proportion. Design should also ensure that there is no harmfully overbearing impact or a material loss of light received by habitable spaces of neighbouring occupiers. The proposed amenity block is located away from immediate neighbours and the site is well screened with roadside hedges.
- 6.65 It is noted that neighbours have raised concerns about noise coming from refrigerated lorries on site but this application does not propose or alter deliveries at the farm. No other concerns are raised from a noise perspective, as the farm remains a working agricultural premises with machinery and workers already present throughout the year. It is also considered that there would

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

be an impact on views from private dwellings associated with the increased coverage on the site. It is pertinent to note that the right to a view is not a material planning consideration and therefore would not be reasonable grounds to refuse planning permission outright. Notwithstanding this, it is considered that the views do form part of the wider landscape impact. Specific viewpoints considered within the Landscape and Visual Assessment submitted in support of this application, were agreed to ensure an appreciation of private views was also taken into consideration. This is set out in the relevant section above. On this basis, the proposal is considered to comply with the requirements of policy SD1.

Heritage: Impact on Heritage Assets

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

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

6.67 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

6.68 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

6.69 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

6.70 Paragraphs 188 - 202 of the NPPF (2021) deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 199 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 201 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where all 4 stated exceptions criteria apply.

6.71 Paragraph 202 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 202 is thus also a restrictive policy. Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the setting to any of the listed buildings within the local area, or whether the harm falls within the purview of paragraph 202.

6.72 The application site is not situated within a conservation area. The proposed site forms part of Woodfields Farm landholdings, and historically, is former meadowland associated with the 18th century farmstead. It is situated approximately 120m north-west of Woodfields Farm, and

approximately 450m north-west of Bollitree Castle (Grade I), and several associated buildings and structures (Grade II*, and Grade II). Whilst the setting of Bollitree Castle encompasses a degree of land and features which surround it, and were historically associated with it, it is considered that the introduction of the mobile home development in the location proposed will not have a direct impact on its setting given a number of factors such as the distance between the sites, topology, intervening spatial buffers, and established boundary treatments. However, the development will, in a manner which is uncharacteristic, alter the setting of the settlement in which Bollitree is situated, which relates to heritage policies previously outlined above. The nearby listed building can be seen on the plan below:

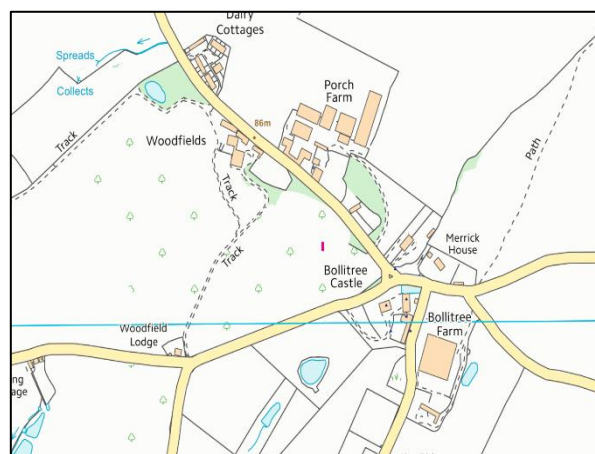


Figure 12: Listed buildings. Identified by Triangle (Bollitree Castle)

- 6.73 The historic buildings officer and case officer have been on site and it the historic buildings officer has raised no heritage objection to the proposed welfare unit following the submission of revised drawings which have provided a reduction in height for the proposed welfare/amenity structure. Officers acknowledge that whilst the historic buildings officer in their comments considered the site would benefit from a structure/s with a more traditional form given its proximity to the historic farmstead buildings of Woodfield Farm they have not objected to the modern materials and have confirmed on balance that there is no heritage objection to this aspect of the proposal due to the existing built form in close proximity within the farmstead and presence given the presence of intervening modern structures. However, when assessing the proposal in regards to the seasonal workers accommodation, it is noted that they advise this part of the proposal does not appear to have been influenced by the prevailing character of the built landscape environment, the Western-under-Penyard settlement pattern, or any locally distinctive qualities it possesses and appears to be contrary to Policies LD1, LD4 and SS6 of the Core Strategy; from a domestic point of view this character and pattern consists of individual farmsteads centered on single farmhouses, and small clusters of modest detached and semi-detached properties which bound the local road network.
- 6.74 The historic building officer has identified that the siting of 59 mobile home units would be uncharacteristic in their context, and could in effect represent a permanent change to the character of the historic settlement; and whilst the scheme will rely on the presence of hedging and polytunnels to provide screening, this arrangement is not permanently controlled and can change over time.
- 6.75 However, they have advised that if the benefits resultant from this part of the scheme weigh in its overall favour it is recommended robust conditions relating to temporary permission periods, reinstatement of land to its former state, and the colourway of mobile units are applied to any approval to safeguard the site and limit its impact on the wider historic environment and settlement setting. In conclusion officers do concur there will be a degree of impact and harm has been identified albeit less than substantial harm to the significance of nearby heritage assets. It is noted further that Historic England record no objection. However, in light of the above, the proposal would lead to a limited level of additional, less than substantial harm to the significance of the heritage assets and as such, would fail to preserve the special interest of these. Less than

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

substantial harm, as identified here, should also be weighed against securing the optimum viable use of the buildings. For non-designated heritage assets, such as the potential buildings of local merit, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.

- 6.76 In this instance, the proposal provides public benefit in the form of support for a thriving local business and the need for it to remain competitive on a national and international scale. Supporting information submitted with the application details. As detailed within the supporting information the client has identified that due to the uncertainty in the economic climate arising from Brexit as well as Covid and reduction in subsidies there is a requirement for farming business to make their systems more efficient and productive and as such the applicant needs to continue grow their business as well and seeking improved facilities and accommodation for their workers on the farm.
- 6.77 Overall, whilst great weight has been given to preserving the significance of the heritage assets, Officers consider that the public benefits brought about through supporting the local business are sufficient to outweigh the identified harm. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LD4 of the Core Strategy and NDP policy SE2.

Other Matters

- 6.78 As set out earlier in this report, the applicant will need to obtain separate consent to divert the PROW for Public Footpath WP24 in order for any approval to be implemented (subject to the application being granted planning permission). The Council's Public Rights of Way officer has confirmed that a diversion proposal was submitted earlier this year under the Highways Act.
- 6.79 Officers acknowledge the comments received from the Parish Council and third parties as set out above. The vast majority of points raised are considered to have been addressed within the relevant sections of this report, notably comments relating to amenity, noise, impact on the landscape, traffic and highway safety and flood risk.
- 6.80 In regards to littering of the PROW it's an offence to drop litter on land or into water that's accessible to the public even if it's private land. This applies to private land that the public can access, for example a right of way. This is covered under separate legislation.
- 6.81 In regards to refrigeration lorries being left to run overnight this is not considered as part of this application, also is the request for implementation of street lights outside Dairy Cottages to prevent accidents. As per the Ecologist advice lighting would not be considered to be appropriate in this rural setting and a condition has been added and this would be the same for street lights.
- 6.82 It is also noted that there is a current pending planning application on the site (220967) which relates to the variation of conditions 2, 4 and 15 following the granting of planning permission S100874/F (Use of land for polytunnels and change of use of part of the land for the stationing of mobile home accommodation for seasonal workers (retrospective)). To allow additional fields of polytunnels in accordance with amended plan and allow for the diversion of the footpath as per the currently submitted footpath diversion order. This application is in essence to regularise the use of certain fields for polytunnel agriculture that has been in place for 8 years.
- Condition 2: requires the development to be in accordance with submitted and approved plans
 - Condition 4: Identifies the field locations of the polytunnels
 - Condition 15: Relates to public footpaths WP22 and WP24.

Temporary Permission

- 6.83 Officers have added a temporary period condition in regards to the siting of seasonal workers accommodation as the functional need may not be proven in the long term. As such officers would find that there is justification for the imposition of a temporary period and it is considered reasonable to suggest a further 25 year period which will offer the client security for future planning and to support the rural enterprise and economy.

Conclusion

- 6.84 The application seeks planning permission for the repositioning of an approved welfare/amenity block and use of the land for the standing of 59 mobile homes for seasonal workers (this includes the relocation of 19 existing units approved in 2012 and 11 units relocated from Rock Farm), associated drainage infrastructure, landscaping and 2 laundry units. Overall officers are content that the development is sustainable development. There are positive benefits within the economic dimension and neutral impacts in relation to the social and environmental dimensions. Harm to landscape character is axiomatic, yet capable of mitigation to such an extent that objection is unsustainable. No impacts arising from additional traffic movements have been identified and any contradiction of MT1 would not amount to residual cumulative impacts that are severe enough to warrant refusal.
- 6.85 The proposed welfare building and accommodation had clear economic benefits in the form of supporting the on-going agricultural use of the wider holding. The scale, design and siting are considered to align with current requirements of the development plan as it remains in keeping with the agricultural use of the site while being functional and without creating unwarranted landscape or visual harm.
- 6.86 The use of the site has clearly caused some concern from residents as is evident by the public representations received on the application. However, the proposed building will provide indoor amenity area that will reduce the need for seasonal workers to gather outdoors and thereby reduce the level of noise emanating from the site. The purpose of the building is to provide such a space and the siting of the building is such that it will move any associated activities away from the site boundaries. A noise management plan has been submitted as well as a condition applied to ensure this is reviewed and updated when appropriate. Any concern with the existing use of the site does not warrant refusal of the current application given the proposal may go some way to reducing adverse effects associated with noise. As such the proposal is considered to align with the requirements of core strategy SD1.
- 6.87 The environmental impact of the scheme has been assessed and is considered to be appropriate controlled and mitigated with the biodiversity net gain enhancements. The drainage scheme put forward for both surface water and foul water is acceptable and has been assessed to not have any likely adverse impacts on the River Wye SAC.
- 6.88 The proposal will support the on-going farming activity as part of the holding by providing communal amenity space and accommodation for seasonal workers. As such the proposal gains the support, in principle, of both CS RA6 and NDP SB1, providing that the scale and nature of the proposal can be found to be commensurate with the location with acceptable impacts upon neighbouring residents and the wider landscape character.
- 6.89 As highlighted in the main body of the report a public right of way will be affected by the development and the effect of a development on a right of way is a material planning consideration. Planning permission does not grant the right to close, alter or build over a right of way in any way. A legal order has been submitted but presently this has not been confirmed and brought into effect. However, as detailed this is covered by separate legislation and appropriate measures have been put in place to allow the proposal to be implemented while the order is being sought.

- 6.90 To conclude having regard to the above, officers would conclude that the need for the accommodation and welfare unit to support the rural enterprise and provide seasonal employment for an established agricultural holding, with the associated economic benefits is a requirement as established in the original permission. The siting of the accommodation adjacent to the main farm complex is also considered to be acceptable allowing the support of local services and the rural economy in line with the requirements of policy RA6 and the guidance contained within the NPPF and this weighs significantly in the decision making balance.
- 6.91 The proposal will support the rural economy with limited impact upon the landscape and residential amenity of adjacent neighbouring properties. The proposal complies with planning policy and will help to support an existing agricultural enterprise, therefore this application is recommended for approval.
- 6.92 The recommendation is to permit this application subject to the conditions specified below.

RECOMMENDATION

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

1. Time

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. Approved Plans

The development shall be carried out strictly in accordance with the approved plans and materials:

- **Location Plan: Drg No 1418/5**
- **Proposed Site Plan: Drg No 1418/1/B**
- **Plan of existing footpaths**
- **Landscape Strategy: Drg No: 21300.101 D**
- **Proposed staff welfare unit and Cold Store Rev B**

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.

Pre-Commencement Conditions

- 3. 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:**

- i) A method for ensuring mud is not deposited onto the Public Highway**
- ii) 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

4. Development shall not begin until an implementation programme setting out details of the:

- phasing of the caravan siting (relocation of caravans from Rock Farm and existing caravans on site)
- erection and occupation of the welfare building
- implementation of the noise management plan

shall be submitted work submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the 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

Pre Occupation Conditions

5. Resiting / Removal of existing mobile homes

Prior to the occupation of the 30th mobile home hereby approved the mobile homes as detailed on location plan shall be removed and land reinstated as detailed on landscaping plan (21300.101 rev D).

Reason: To define the terms of permission as presented and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. PROW/Siting of mobile homes

Prior to occupation of any of the caravans/mobile homes hereby permitted and while awaiting the public right of way diversion order the caravans shall be sited as shown on plan 1418/1 rev B (proposed site plan).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Cycle Parking Provision

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 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.

8. Travel Plan

Prior to the first occupation/use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.

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

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Landscape Biodiversity Management Plan

Before the development is first occupied, a landscape biodiversity management plan and maintenance plan 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.

Compliance Conditions

10. Ecology Plan

The ecological protection, mitigation, compensation and working methods scheme and the Habitat Protection and Biodiversity Enhancement Plan, as recommended in the two reports by J Lomas both dated May 2020 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

11. Temporary Permission

The caravans/mobile homes hereby permitted shall be permanently removed from the site by 15th December 2047 and the land shall be restored to its former condition in accordance with details to be agreed in writing with the Local Planning Authority beforehand.

Reason: To enable the local planning authority to retain effective control over the site and to reassess the need for on-site workers accommodation having regard to the

requirements of policies RA3, RA4 and RA6 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

12. Occupation restriction

The occupation of the caravan/ mobile homes hereby approved shall be limited to persons solely employed in agriculture and associated activities on land owned or farmed by Woodfield Farms Ltd and BH Savidge and Son.

Reason: Planning permission has only been granted having consideration for the needs of the agricultural enterprise operating at Woodfield Farms Ltd and to maintain control over the scale of the accommodation provided in order to clarify the terms of this planning permission to conform with Policies RA3, RA4 and RA6 of the Herefordshire Local Plan Core Strategy, the and the guidance contained within the National Planning Policy Framework.

13. Occupation

Each caravan will have a maximum capacity for up to four people.

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

14. Occupation

No more than 236 no. people shall be resident on the application site.

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

15. Noise Management

The operation / use of the premises shall be undertaken in accordance with the details contained within the Noise Management Plan submitted with this application (the Site Management noise Plan submitted Referenced as Woodfields campsite noise management plan dated October 2022). The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions or training recorded) that have arisen) annually thereafter by 1 March in each successive year. Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority before being implemented. The noise management plan shall be implemented in line with timings submitted and confirmed within the phasing plan (condition 4).

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policy SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework

16. Colour of caravans

The caravans located on the edge on the site next to the Northern site boundary shall be painted with an Ardenne (RAL 7022) or Olive Green (BS12B27 or RAL 1000 30 20) colour and the roofs repainted with an Anthracite (RAL 7016) colour prior to occupation and thereafter maintained as such.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Removal of Caravans

In the event that the caravans hereby permitted become redundant for purpose the caravans and all other associated development shall be removed and the land reinstated to its original condition within nine months.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. Lighting

At no time shall any external lighting, except low power (under 550 lumens), ‘warm’ LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved worker accommodation 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.

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.

19. Drainage

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

20. Drainage

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following document: Flood Risk Assessment and Drainage Statement document reference: 4640-peny-ics-xx-rp-c-07.001 dated 31 January 2022

Reason: in order to ensure that satisfactory drainage arrangements are provided and to comply with policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

21. Landscape Implementation

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Landscape Strategy Proposals. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the first caravan or the completion of the development, whichever is the sooner.

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

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 that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

22. Implementation of one permission only

This permission shall be implemented only in lieu of and not in addition to, the planning permission 200444 granted 15 October 2020.

Reason: To define the terms of this permission, having regard to submitted information and in the interests of amenity and the impact upon landscape character of the area having regard to policies SS6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework

23. No conversion of Welfare Block to habitable accommodation

The building hereby approved shall only be used for the stated purpose and shall at no time be converted to, or used as, habitable accommodation. Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy H2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit(s) of residential accommodation in this rural location.

Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy H2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit(s) of residential accommodation in this rural location.

INFORMATIVES:

1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
2. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

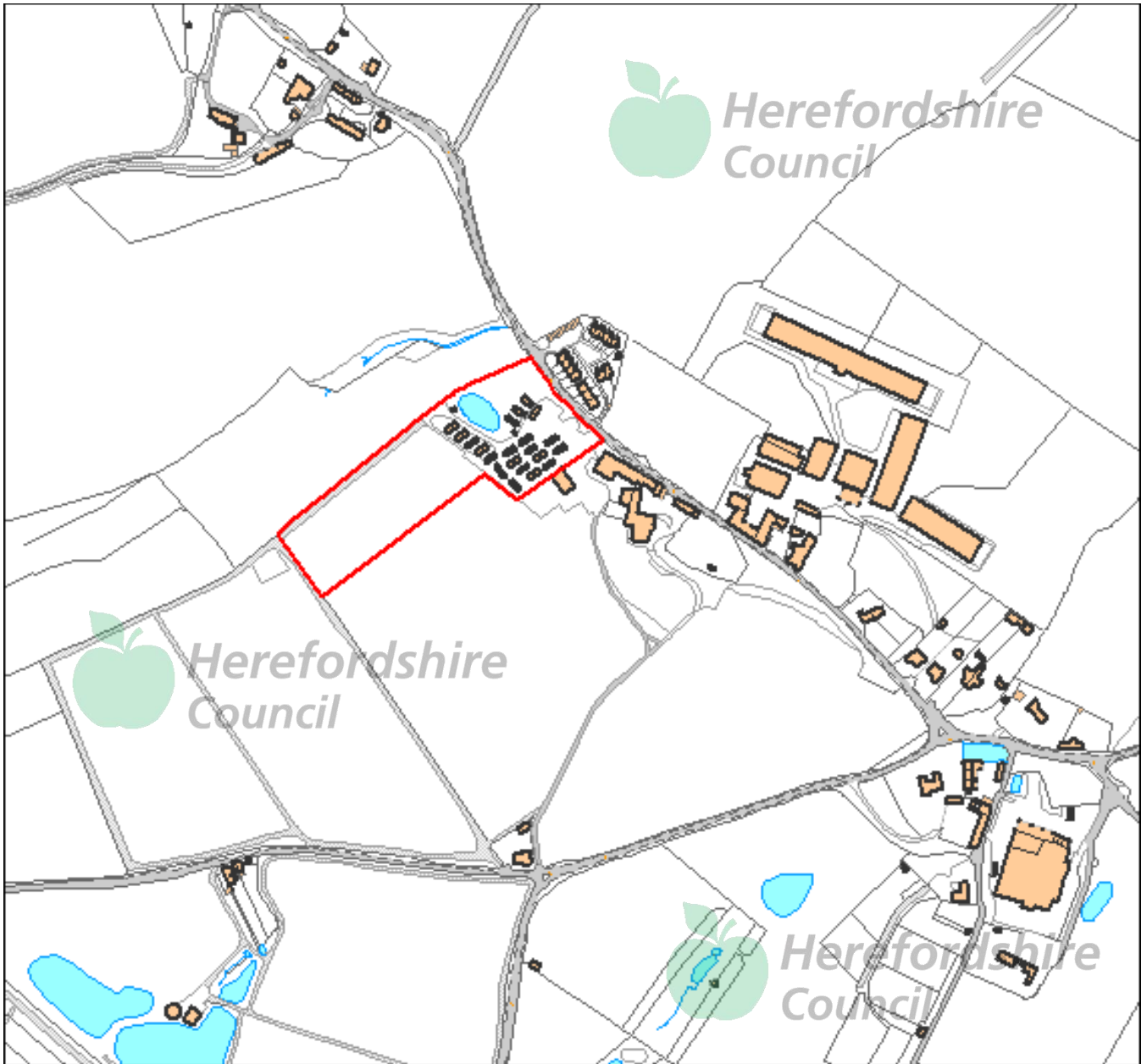
3. **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
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. **In connection with Condition 8 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ**
6. **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'.**
7. **A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
8. **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, 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.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 220370

SITE ADDRESS : WOODFIELDS FRUIT LTD, WOODFIELDS, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PG

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	8 FEBRUARY 2023
TITLE OF REPORT:	221177 - ERECTION OF 1 NO. DWELLING OF OUTSTANDING DESIGN AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING, OUTBUILDINGS, INFRASTRUCTURE, LAKE CREATION AND OTHER ENGINEERING WORKS AT SHEEPCOTTS, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ For: Mr & Mrs Perry per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221177
Reason Application submitted to Committee – Re-direction	

Date Received: 6 April 2022

Ward: Three Crosses

Grid Ref: 359238,250185

Expiry Date: 1 June 2022

Target Determination Date: 10 February 2023 (EOT agreed)

Local Member: Cllr Lester

1. Site Description, Proposal and Background

- 1.1 The application site comprises 4 no. parcels of land to the north, north-east, east and south-east of Sheepcotts Court, which is approximately 1 mile north-east of what is considered to be the main built-form of Ullingswick, and 6.5 miles south-west of the market town of Bromyard. The site is viewed to be in an ‘isolated’ open countryside location, beyond any settlement designated under Herefordshire Local Plan – Core Strategy Policy RA2.
- 1.2 With an agricultural land classification of Grade 3 (Good to Moderate), the application site comprises a larger and broadly ‘L’ shaped arable field to the north, an irregularly shaped field accommodating a large ornamental pool to the east of Sheepcotts Court, and two smaller fields adjacent to the latter, as well as a woodland block immediately north of Sheepcotts Court. The application site totals approximately 12.3 hectares.
- 1.3 The topography of the land rises from south-east to the north-west of site. Bridleway UW1 (which forms part of the Three Rivers Ride) intersects the site, as well as bridleway UW12, which runs to the south-east of site, leading onto the Ullingswick Conservation Area, notably incorporating the Grade II* Listed St Luke’s Church. Apart from Sheepcotts Court, which lies to the south-western boundary, the site is surrounded by arable land with an area of woodland (Red Hill Coppice), approximately 90 metres northeast of the northernmost part of site. The site’s northern boundary is along a local ridgeline with field boundaries comprising native species hedgerow with occasional field oaks. Field boundaries are demarked by unmanaged native species hedgerow with a cluster of field oaks to the north-west, as well as being partially wooded with mature oak and willow. There are gaps in the hedgerow where it has died back. The western boundary flanks the drive to Sheepcotts Court, which has a byway open to all traffic (BOAT) (U66006/UW12). The

Further information on the subject of this report is available from Mr Andrew Banks on 01432 383085

drive is bounded on both sides by native species hedgerow with ornamental trees on intervening wide grass verges.

1.4 This application seeks full planning permission for the erection of 1 no. dwelling and associated development including access, landscaping, outbuildings, infrastructure, lake creation and other engineering works. The submission is made on the basis of paragraph 80(e) of the NPPF which supports designs of exceptional quality that are truly outstanding, reflecting the highest standards in architecture, helping raise standards of design more generally in rural areas, significantly enhancing its immediate setting, and being sensitive to the defining characteristics of the local area.

1.5 This committee will be familiar with the application site, having considered a previous application in September 2021 (LPA reference: P202412/F). The Committee refused the application, contrary to officer recommendation, for the following sole reason:

“In light of the Local Planning Authority being able to demonstrate a five-year housing land supply, the proposal, by virtue of its design and scale, would not be considered outstanding or in keeping with the character of the locality, leading to adverse harm upon the landscape character and appearance of the area, and the adjacent Ullingswick Conservation Area, meaning it would not be representative of sustainable development. As such, the proposal is contrary to Policies SS2, SS3, RA3, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy.”

1.6 Whilst not specifically referred to by the reason for refusal, much of the debate of the previous application centred on the lack of information and confidence, in relation to clear demonstration of the outstanding nature of the proposed design.

1.7 Accordingly, this revised application has now been informed by a more up-to-date full and detailed report by Design:Midlands, who are an independent design review panel. Design:Midlands (which superseded MADE) confirm that the design is outstanding and that this present application is the same scheme which Design:Midlands provided comments on.

1.8 Design:Midlands have set out their views in a letter which is attached within supporting documents (see Appendix 7 – Design Review Final Report on the planning application webpage). Nevertheless, their conclusions are:

“The Panel consider that overall, this is now an exceptional design bringing so many things together well, proportions and elevations, materials, sustainability and in particular a special relationship between the building and a significantly enhanced surrounding landscape. The external frame and fenestration are now elegant and well-conceived. The building has a presence, rightly so. The architect has kept to a pure narrative, stayed true to the flow house concept”.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy adopted on 16 October 2015

SS1 – Presumption in favour of sustainable development

SS2 – Delivering new homes

SS3 – Releasing land for residential development

SS4 – Movement and transportation

SS6 – Environmental quality and local distinctiveness

SS7 – Addressing climate change

RA1 – Rural housing distribution

RA2 – Housing in settlements outside Hereford and the market towns

RA3 – Herefordshire’s countryside

MT1 – Traffic management, highway safety and promoting active travel

LD1 – Landscape and townscape

LD2 – Biodiversity and geodiversity
LD3 – Green infrastructure
LD4 – Historic environment and heritage assets
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources
SD4 – Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/downloads/download/123/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 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. From reviewing those policies most pertinent to the determination of this application, they are viewed to be consistent with the NPPF and as such, significant weighting can continue to be afforded to these policies.

2.2 Ocle Pychard Group Neighbourhood Development Plan – made on 11 March 2019

OPG1 – Sustainable Development
OPG2 – Development Needs and Requirements
OPG6 – Ullingswick
OPG11 – Natural Environment
OPG12 – Historic Environment
OPG13 – Design and Access

The Ocle Pychard Group NDP 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/directory-record/3091/ocle-pychard-group-neighbourhood-development-plan>

2.3 National Planning Policy Framework – updated on 20 July 2021

2 – Achieving Sustainable Development
4 – Decision-Making
5 – Delivering a sufficient supply of homes
8 – Promoting healthy and safe communities
9 – Promoting sustainable transport
12 – Achieving well-designed places
14 – Meeting the challenge of climate change, flooding and coastal change
15 – Conserving and enhancing the natural environment
16 – Conserving and enhancing the historic environment

The NPPF, which sets out the government's planning policies for England and how these are expected to be applied, can be viewed through the following link:-
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

3. Planning History

- 3.1 P202412/F – Erection of 1 no. dwelling of and associated works including access, landscaping, outbuildings, infrastructure, lake creation and other engineering works – refused at Planning Committee dated 29th September 2021, decision issued 4th October 2021

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No adverse comments to offer:

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com”

4.2 Historic England – No adverse comments to offer:

“Thank you for your letter of 14 April 2022 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request”.

4.3 Forestry Commission – No adverse comments to offer:

“Thank you for seeking the Forestry Commission’s advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- *Details of Government Policy relating to ancient woodland*
- *Information on the importance and designation of ancient woodland*

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 Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “there are wholly exceptional reasons and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 180c).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. We hope these comments are helpful to you."

4.4 Natural England – No response received

4.5 The Ramblers – No response received

4.6 Open Spaces Society – No response received

Internal Council Consultations

4.7 Senior Landscape Officer – No objections; conditions recommended:

"Thank you for the opportunity to make comment on the landscape for the above mentioned development. I have previously commented on this development and attended a design review. In principle the landscape is supported in terms of landscape design, green infrastructure and biodiversity enhancement. However detailed information is required, although this can be conditioned.

Provide hard and soft landscape information with management plan, and maintenance schedule to include:

- Plan showing existing and proposed finished levels or contours.*
- Drawing detailing hard surfacing materials.*
- Boundary treatments and means of enclosure.*
- Trees and hedgerow to be removed.*
- Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.*
- Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009).*
- All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details. Any special conditions, should be outlined (i.e. orchard species/root stock, wildflower mix, aquatic species, nuts and parkland trees).*

- A plan detailing water attenuation schemes.
- Management plan and maintenance schedule soft landscape (To the appropriate durations 'in perpetuity' for establishment, long term health, form and care of the plants and their associated habitats).
- Maintenance schedule hard landscape (5 year period)

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies LD1, LD2, LD3 and SS6 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework”

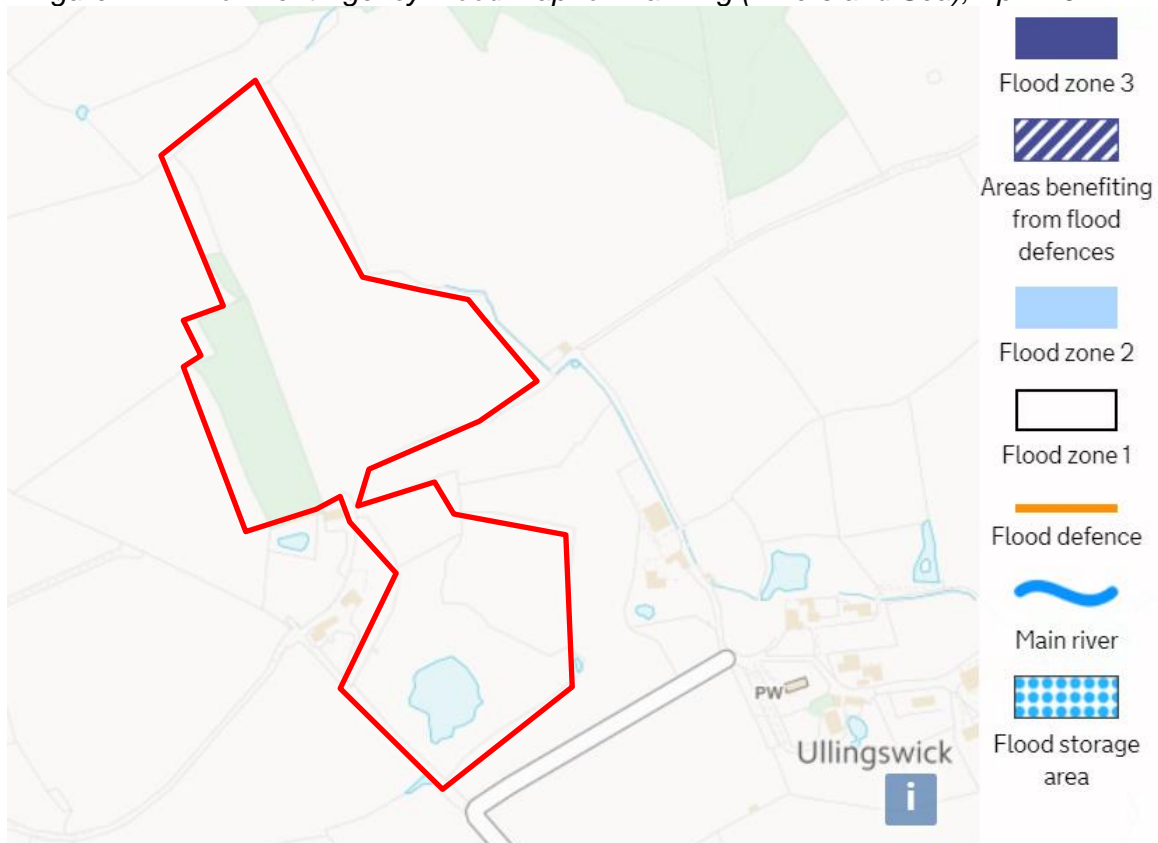
4.8 **Land Drainage Engineer – No objections; conditions recommended:**

“Our knowledge of the development proposals has been obtained from the additional sources, following our initial consultation response in April 2022:

- Foul Drainage Design Technical Note 21/10/2022.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), April 2022



Overview of the Proposal

The Applicant proposes the construction of a 6 bedroomed dwelling of unique design with associated ponds, orchards, access routes and amenities. The site covers an area of approx. 12.3ha and is currently agricultural land.

An IDB managed watercourse is located approx. 460m to the east of the proposed development site in addition to a minor watercourse located approx. 90m to the north east of the proposed development site.

The topography of the site slopes down from approx. 137m at the northern most end of the site, to approx. 107m at the southernmost end of the site.

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.

In accordance with Environment Agency standing advice, as the site is larger than 1ha the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1.

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The applicant has provided a flood risk assessment which has highlighted the location of the proposed development within the low-risk Flood Zone 1 and also highlights that the surface water risk associated with the site is removed from areas on which the property will sit.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is at low risk of flooding from surface water. However the site exhibits a number of surface water flow routes across the site. These flow routes are all distanced from the intended location of the property. The surface water drainage design has also made use of some of these pathways for drainage purposes, as discussed in later sections.

Other Considerations and Sources of Flood Risk

As the topography within the area of the proposed development is sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

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

The Applicant has not carried out infiltration testing as the ground water trial pit demonstrated that the soil type was a heavy clay marl which is unlikely to allow for infiltration. Other evidence within the site, such as the existing unlined pond in the southern field of the site, suggests that infiltration techniques are not viable in this location. We concur with this assessment and accept the extremely limited viability of infiltration techniques at this site.

Instead, the Applicant proposes the use of a number of attenuation ponds connected by a swale that largely follows the existing surface water flow route through the north field of the site. Where this crosses the access driveway a pipe will be used to convey the flows beneath the access road.

The roof area and surrounding hardstanding for the property will be drained into a surface water pond close to the west side of the property via a swale. A second swale will then take the water to a second attenuation pond to the south eastern corner of the north field. This pond will then drain to the small watercourse on the eastern boundary of the site. The watercourse then follows the boundary for a short distance before travelling through part of the middle field, where a second small pond will be formed in the newly planted orchard, before continuing on along the watercourse. Discharge is proposed to be restricted to 2l/s.

The technique for constructing the new pond in the orchard has not been made clear. Will this require a weir or built structure to hold the water level in the pond? Clarity on this point will be required at detailed drainage design stage.

Foul Water Drainage

The site is in a rural location that cannot be connected to the foul public sewer network.

The Applicant proposes the installation of a package treatment plan and the construction of a drainage mound feeding into a constructed wetland, before discharging into an attenuation pond and finally surcharging to the small watercourse running along the site boundary.

In order to construct a drainage field/mound, percolation tests have been undertaken, to ensure that there will be no re-emergence of foul water upon reaching the impermeable surface layer. An acceptable Vp of 88.6s/mm was established in the top 300mm of soil.

As there is percolation within the top layer of ground, the drainage mound should facilitate of a discharge to ground of all treated effluent. Therefore, the proposals for a wetland and final discharge to a pond/watercourse, may be excessive. Any discharge to a watercourse will require the purchase of phosphate credits.

The design and access statement mentions the use of a borehole for the provision of all water to the building. The location of the borehole should be clarified at Discharge of Condition in order to better understand the suitability of the position of the intended foul water drainage features.

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:

- *Detailed surface water and foul water drainage plans/construction drawings.*
- *Confirmation of the borehole location.”*

4.9 Highways Area Engineer – No objections; conditions recommended:

“The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

The access proposed for the change of use to serve a residential property meets the visibility requirements taking into account the content of the DfT’s Manual for Streets 2 document and the character and usage of the U66006.

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required, refer to Section 6.7 of Manual for Streets.

The vehicle turning area is adequate for the scale of the dwelling. The dimensions of the driveway are also adequate for the scale of the development. The parking provided is acceptable for the scale of the proposal. It is also noted that the proposed store can adequately deliver the required secure cycle parking.

It appears that the proposal includes gates. These are required to be set back by 5m or more from the carriageway edge and in order to ensure that this is observed should permission is granted condition CAD is recommended.

The following link may assist the applicant in discharging conditions:

https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

CAD - Access Gates to be Set back 5m or More

CAE - Access Construction Specification

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>"

4.10 Ecology – No objections; conditions recommended:

"The supplied technical foul water management drainage report by Corner water Consulting dated October 2022 is noted and refers.

This report appears to be over complicated given that it appears a PTP discharging to a soakaway drainage mound with relevant topsoil percolation rates can be achieved and demonstrate compliance with all criteria for small private drainage systems (PTP/Septic tank discharging to a drainage field with flows under 2m³/day).

The required HRA appropriate assessment can be completed based on the 'standard' private foul water system as identified in the October 2022 technical note.

Any additional drainage features, orchard creation and land management can be considered as a landscaping proposal and part of the delivery of 'exceptional' biodiversity net gain and habitat enhancement measures being delivered by the development and should be secured for implementation and appropriate management for a minimum period of 30 years from first use of the development it supports. Wording of the final condition to secure these enhancements is left to the Planning Case Officer to draft to ensure compliance with all requirements of planning conditions.

Notes in respect of Habitat Regulation Assessment

- The proposal is for a single residential dwelling with associated new foul water flows (phosphate pathways) created.*
- No mains sewer connection is available at this location.*
- A private foul water management system is proposed – Package Treatment Plant to drainage field.*

- *The supplied technical foul water management drainage report by Corner water Consulting dated October 2022 provides confirmation that this proposed system can be achieved at this location.*
- *Due to locally poor deep infiltration a drainage mound system is proposed to utilise the adequate 'top soil' percolation capacity and provide required depth of 'polishing' of the final outfall from the PTP ensuring all potential nutrients are managed within the drainage mound and local soils.*
- *This will be a 'small' private foul water system with flows under 2m³/day and so nutrient neutrality can be considered through the 7 criteria currently agreed with Natural England as demonstrated in the supplied technical note on foul water management.*
- *With all nutrients managed within drainage mound and local soils there are no additional nutrient pathways in to the River Lugg SAC from this proposed development.*
- *The agreed foul water management scheme can be secured by condition on any planning permission granted.*

As agreed with Natural England where a foul water scheme can be demonstrated as being a ;small', fully achievable scheme and compliance with the agreed 7 criteria the application can be considered as 'screened out' at Stage 1 Appropriate Assessment and no formal consultation with Natural England is triggered.

All surface water can be managed through appropriate on-site sustainable drainage systems and are not identified as an effect on the River Lugg SAC

Habitat Regulations (River Lugg (Wye) SAC – Foul Water Management

Unless otherwise approved in writing by the planning authority, all foul water, created by the development approved by this permission shall discharge through connection to a new private foul water treatment system comprising of a Package Treatment Plant discharging to a shallow percolation drainage mound as outlined in the Foul Drainage Design Technical Note by Corner Water Consulting dated October 2022.

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 SD4."

4.11 Building Conservation Officer – No objections:

"No further comments. This application is a resubmission of a previously refused application for planning permission at the site, ref: 202412/F. The proposed scheme remains unchanged from this previously submitted application as such previous heritage comments made remain relevant, and are copied below.

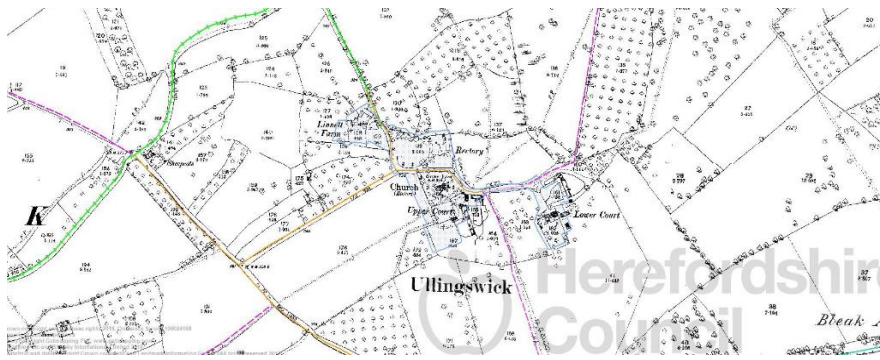
Comments made on application 202412/F on 24/11/2022:

Summary: No objection is raised based on heritage as no harm has been identified to the nearby conservation area or the setting of nearby listed buildings .

Comments:

The application site lies within open countryside near the small, rural settlement of Ullingswick in north-eastern Herefordshire.

Mentioned in the Domesday Book of 1086 as "Ullingwic", the settlement is characterised by dispersed, agricultural development surrounding the medieval Church of St. Luke.



Historic mapping for the area shows this character has remained relatively unaltered since the mid-C19, many of the farmsteads identified on the historic mapping are still evident today.

Ullingswick is designated as a conservation area (CA) and encloses a small number of buildings surrounding the church at its core. The boundary is outline in blue above. The church dates to the C12 but was heavily restored in the 1860s.

There are several listed building in the vicinity, the closest include:

A cluster of listed buildings within the conservation area designation including the Church of St. Luke, grade II*, Upper Court grade II, Lower Court grade II, Barn E of Lower Court grade II, and Barn and Hop Kiln N of Upper Court grade II.

Three Crowns Inn grade II, further south-east.

Lower Hope and Adjoining Hop Kiln grade II to the west.

Due to the significant age of the settlement, it is likely that some of the surrounding buildings would be considered non-designated heritage assets based on age and local character. However a comprehensive record of non-designated assets does not yet exist for Herefordshire.

Proposal:

The proposal calls for the construction of a “passivhaus” with associated outbuildings and landscaping on a site north of Sheepscott Court. The scheme is designed to flow with the existing landscape character and be visually unobtrusive.

Impact on the conservation area:

At their closest points, the CA boundary lies c. 65m east of the application site. While this seems relatively close, large sections of the site will remain open landscape and as such there is over half a kilometre between the proposed dwelling and the CA.

A large dwelling, isolated like this within a designed landscape can be compared to the large estates constructed by landed gentry and aristocracy throughout history. As such a dwelling of this scale with extensive ground would not be wholly uncharacteristic. The settlement pattern of the area as existing is dispersed. The identified site for the dwelling, isolated from other development in the surrounding area, would not disrupt this existing settlement character.

It is felt the proposal would not alter how the existing CA is viewed and experienced and as such no harm is identified.

Impact on settings of listed buildings:

There is little inter-visibility between the proposed site of the dwelling and the cluster of listed buildings to the south east. The Church of St. Luke is closest in terms of geography, located approx. 750m south-east at its closest point to the site of the proposed dwelling. While it is

possible there may be some limited views, this would not impact how the setting of the church was viewed or experienced, based on this no harm is identified. Further, no harm is identified to the settings of the other listing buildings mentioned above.”

4.12 Trees Officer – No objections; conditions recommended:

“This proposal appears to offer low arboricultural impact on existing trees. The accompanying tree report identifies 3 trees in total which are to be removed which I do not object to, considering that there’ll be substantial planting introduced should approval be granted.

*The new avenue of lime trees is welcomed, they are a native species which have traditionally been used for this purpose. I do however request that small leaved limes (*Tilia cordata*) is the lime species used, although this can be addressed through condition. In my opinion the proposal is compliant with policies LD1 & LD3 in relation to arboriculture and I support subject to conditions below:*

Conditions

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Udall Martain Associates - Arboricultural Survey, Impact Assessment and Method Statement for Development Purposes (BS5837: 2012) Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.”

4.13 PROW Officer – No objection:

“Providing bridleway UW1 is not obstructed in any way PROW will not object to the application. If changes to the surface of the bridleway are proposed, they must be approved by the PROW department.”

5. Representations

5.1 Ocle Pychard Group Parish Council – Support:

“Following their meeting last night, the Parish Council wish to support this application”

5.2 15 letters of objection have been received in response to the application. In summary the points raised are as follows:

- Application does not meet paragraph 80(e);
- Application would be contrary to the development plan;
- Harm to local landscape character;
- Harm to Ullingswick Conservation Area;
- Site is not ‘isolated’;
- No evidence of ‘enhancement’;
- Impact on ancient woodland;
- Would contribute to phosphates issues;
- Would not meet local housing need;
- Impact on light pollution;
- Impact on wildlife and biodiversity;
- Impact on highway safety;
- Loss of agricultural land;
- Impacts on tourism;
- Impacts and contrary to ‘climate emergency’;
- Management of landscaping; and
- Impacts during construction

5.3 All consultation responses can be viewed on the Council’s website using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221177

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

- 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) and the Ocle Pychard Group Neighbourhood Development Plan (Ocle Pychard Group NDP). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.3 Policy SS1 of the CS sets out that proposals will be considered in the context of a 'presumption in favour of sustainable development', which is at the heart of national guidance contained within the NPPF at paragraph 11. Applications that accord with the policies in the CS (and, where relevant, with policies in other DPDs and NDPs) will be approved, unless material considerations indicate otherwise.
- 6.4 At the time of writing this report, the Council is able to demonstrate a five-year housing land supply (6.19 years as of 1 April 2022, published in July 2022). The tilted balance set out at Paragraph 11d of the NPPF does not apply. Housing policies in the adopted CS and policies within the Ocle Pychard Group NDP can be considered up-to-date and given full weight. Hence, proposals are considered in relation to compliance with the Development Plan unless other material considerations indicate otherwise.

Location and principle of residential development

- 6.5 The application is to be considered against Paragraph 80(e) of the NPPF. Paragraph 80(e) is clear that planning decisions should avoid creating isolated homes in the countryside unless certain circumstances apply. One exception is where the design is of exceptional quality, in that the proposal:
- "- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"*
- 6.6 CS Policy RA3 supports proposals which comply with Paragraph 55 of the original NPPF (2012), which, as stated in Section 1.6 of this report, has now been superseded by paragraph 80 of the recently revised NPPF (July 2021). The Ocle Pychard Group NDP at Policy OPG2(4) acknowledges new residential development in open countryside outside the defined settlement boundaries can be supported, where this meets CS Policy RA3, to confirm the principle of development.
- 6.7 The revised NPPF has led to much discussion in terms of identifying what is 'isolated', which needs to be ascertained first, to benefit under paragraph 80. The case of *Braintree District Council v Secretary of State for Communities and Local Government; Greyread Ltd; and Granville Developments* [2017] EWHC 2743 (Admin), is a commonly referenced judgement to which the term 'isolated', should be given its ordinary meaning of far away from other places, buildings or people; remote".
- 6.8 Subsequently, the judgement in *City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors* [2021] EWCA Civ 320, is a very recent example

Further information on the subject of this report is available from Mr Andrew Banks on 01432 383085

concerning the meaning in the NPPF of “isolated homes in the countryside”. The Court held, perhaps unsurprisingly, that the inspector had been correct to adopt the interpretation given to the predecessor to that policy by the *Braintree* decision. At [32] of *Bramshill*, the Court affirmed that the essential conclusion in *Braintree* expressed at [42] was that in determining whether a particular proposal is for “isolated homes in the countryside”, the decision-maker must consider “*whether [the development] would be physically isolated, in the sense of being isolated from a settlement*”.

- 6.9 Essentially, a decision maker needs to consider whether the development would be physically isolated, in the sense of being isolated from “*a settlement*” rather than simply isolated from “other dwellings. The questions of what is a “settlement” and whether the development would be “isolated” from a settlement, are obviously matters of planning judgment based on the facts of the particular case.
- 6.10 The proposed dwelling is 420 metres from the closest building, an outbuilding at Sheepcotts Court. A cluster of industrial buildings operated by ‘Turners Farm Equipment Suppliers’ is 430 metres north of the proposed dwelling. These are not viewed as a ‘settlement’ given the small number of buildings at each location and are in sole ownership. The nearest ‘settlement’ would comprise the loosely knit cluster of buildings which form the Ullingswick Conservation Area, 570 metres southeast of the proposed dwelling. In the view of officers, given these distances to a ‘settlement’, this site is viewed to be ‘isolated’ as outlined above.
- 6.11 To assess whether a proposal accords with criterion (e), this raises various questions including: Whether a proposal is truly outstanding? Whether the proposals reflect the highest standards in architecture? Would a proposal help raise standards of design more generally in rural areas? Would a proposal significantly enhance both its immediate setting? Would it be sensitive to the defining characteristics of the local area?
- 6.12 Answers to these questions will form the view as to whether this proposal fulfils paragraph 80(e), which is underpinned by how the proposed design is considered in terms of its rationale and impacts. This is dictated by a number of technical material considerations, which amount to: the design itself, landscape, biodiversity and heritage. Subsequently, it is also important to consider other technical considerations including highways, drainage, HRA, arboriculture, as well as any other technical considerations raised through consultees and third party representations. This is discussed in turn.

Design and Sustainability Measures

- 6.13 Designs submitted under paragraph 80(e) should only be achievable on the site on which they are located. This application follows extensive pre-application advice and is the culmination of some 6 years of on-going discussions, negotiations, refinement, independent design review processes and consultations. This is extensively set out in the Design & Access Statement, prepared by the applicant’s architect.
- 6.14 The revised proposal was, on officers’ advice, submitted to Design:Midlands, an independent design review panel, attended by Council officers’. This approach was taken to gain an independent, impartial review of the proposal, and to provide guidance and design support. Members will acknowledge the report findings, concluding they were very supportive of the proposals, with a positive response received, as detailed in Section 1.8 and 1.9 of this report. Design:Midlands full comments can be found within Supporting Documents on the application webpage (Appendix 7).
- 6.15 An independent design review panel has confirmed this scheme has the potential to meet the relevant criteria of, what is now, paragraph 80 of the NPPF. Paragraph 133 advises that local planning authorities should ensure that they have access to, and make appropriate use of the tools and processes for assessing and improving the design of development. These include

design advice and, in assessing applications, they should have regard to the outcome from these processes, including recommendations made.

- 6.16 Design:Midlands' recommendations raise many positives about the scheme. This included the architectural design, which expresses a distinctive plan form and many positive sustainable design features. It has the prospect to achieve exceptional architectural quality within a convincing landscape strategy. It was recognised that through a comprehensive understanding of both immediate and wider local contexts, a narrative is established, allowing the dwelling to become part of the landscape, sitting 'in' rather than 'on' site, merging sensitively into its setting, respecting and enhancing its environment and setting an example of truly outstanding design in a rural area. The architecture - both building and landscape - as well as ecology and energy, all work collectively as one - they are inseparable.
- 6.17 The concept is a 'flowing' design, predicated on the flowing contours of site, the organic 'flowing' ancient woodland and flow of water throughout. The dwellings' solid massing at its central point gives way to a split-level form to its sides, with the second storey being set back significantly from the first. The route and curvature of the dwelling and access track follow the site's contours, siting the roof line below the ridge at the north of the site. The overall effect is a dwelling that flows into and out of the landscape and which is of the hillside rather than merely on it, despite its distinctive form. The upper level has been further revised to create a loggia type arrangement, with the façade set far back behind a stone outer layer, which will then be able to support a large roof overhang, minimising light pollution, as well as reducing any visual impact of the glazing from long distance views. Special glass has also been specified to reduce light spill and reflection further.
- 6.18 The resulting two storey stone facade with recessed areas for balconies on the upper level produces a unified design, with the arrangement of the arrival and parking courtyard also revised, simplifying it, leading to less excavation and allowing the building to be located further up site. The cars and service areas are hidden to the north, leaving clear views out to the south and decluttering them from views towards the house. Arrival on the upper level leads to upside-down living, with the main living spaces on the upper level. All spoil taken from the areas cut out (other than what is used to construct the rammed earth spine wall) will be kept on site and used to fill other areas of the site.
- 6.19 Locally sourced stone (of varying colours), render and timber will feature in the immediate vicinity of the site. This along with other slight adjustments, including provision of lots of storage has been allowed for in and adjacent to the garages around the courtyard, as well as on the lower level adjacent to the pool, reducing the need to incorporate further ancillary buildings. The main skin of the building facing south will be comprised of locally sourced stone cladding with the upper level recessed walls of vertical larch cladding and the Upper Level Central spine of rammed earth and the roof of grey Derbigum olivine membrane.
- 6.20 The upper level is set back from the lower level, creating outside space on the main living level, which is to be covered to protect it from the rain, and summer overheating. Windows on the lower level will be set to the inside of the thick walls and will have secondary frames projecting out to prevent overheating from high summer sun. This has led to a two storey "skin" which wraps around the house and follows the flowing form. The edges of this "skin" extend outwards beyond the building envelope, allowing the house to flow into and out of the landscape.
- 6.21 Being south-facing, this allows the northern side of the dwelling to be semi-submerged into the slope, insulating it, with no to minimal additional glazing required. The form of the roof has been considered with a flat roof allowing for minimal impact as the building is mostly seen from below. It emphasises the horizontality of the building, minimising impact and embedding the house into the landscape. A flat roof keeps the form of the building as low as possible, meaning the building doesn't interrupt the tree line behind and the form does not project above the skyline as a more

vertical form may well do, and allows for uninterrupted appreciation of the southerly view from the area above the house.

- 6.22 The proposed dwelling will be designed to passivhaus standard, and renewable technologies are also to be incorporated to provide the relatively small amount of energy that the building requires given the energy that will be generated, in the most efficient way possible, without reliance on fossil fuels. The TESLA powerwall scalable battery system is key to this. The sophisticated battery unit has an internal inverter built in which manages the DC input from Photovoltaic Thermal (PVT) panels and manages its storage in DC batteries. The unit then converts this DC stored energy into AC to power domestic power loads from electric constables. Once the batteries are fully charged the powerwall is able to divert excess energy to the heat store.
- 6.23 The matter of storing excess heat generated during the summer for use in the winter is done through an Earth Energy Bank (EEB). Essentially, the solar Photovoltaic Thermal panels (PVT) which are proposed to be location on the roof, will generate far more heat than is needed during summer months, and this heat will be pumped into the ground under the house, via a series of boreholes filled with glycol. By insulating the perimeter of the EEB, the soil acts as a battery, storing summer heat for use during the winter for heating and hot water. PVT panels include a thermal layer (a glycol loop behind the PV cells) which actively cools the PV.
- 6.24 It is understood that what is proposed here is what officers believe will be the first ever installation of an EEB with heat pump, PVT and Ground Supercharger. The Ground Supercharger is effectively a fan coil that connects to the EEB. It injects up to 20Kw into the ground from ambient conditions with little energy cost (small pump and a fan) whenever the air temperature is greater than the ground temperature. This would be fitted near the extract ducts of the MVHR system to provide additional heat recovery. This approach, as it is understood, is the first of its kind in the UK, and is a great example of a dwelling which demonstrates how innovative use of energy generation and conservation techniques can truly minimise the need for 'on grid' energy.
- 6.25 The effect is the clear achievement of a dwelling of an individual, unique and in the view of officers, based on Design:Midlands' professional opinion, that an outstanding design which is carefully positioned to maximise views from the development and limit potential landscape and visual impact is evident. This is achieved by its flowing form, appropriate material choice, extensive and robust landscaping (particularly to the foreground of views from the south). The application, in design and sustainability terms, is considered to accord with Policies SS4, SS6, SS7 and SD1 of the CS, which is consistent with Sections 2, 12 and 14 of the NPPF and Policies OPG1 and OPG13 of the Ocle Pychard Group NDP.
- 6.26 The proposed design has been recognised by an independent design review panel as meeting this threshold of paragraph 80(e). The building has a bold appearance yet is one which is a part of the landscape. It also utilises sustainable building techniques and energy generation measures, and minimises building miles through sourcing materials locally. The scheme also delivers an internal design which is both functional and highly attractive. For these reasons, the proposals are viewed to reflect amongst the highest of architectural standards and a great prospect of a leading case study for the Council's to promote in terms of achieving sustainable building design, particularly in light of the Council's declaration of a Climate and Ecological Emergency.

Landscape

- 6.27 Inextricably linked into design is landscape. Landscape cannot be considered as an afterthought under paragraph 80(e), rather landscape is a fundamental aspect of the whole scheme in terms of design. It is considered such a proposal should be presented on the basis of the whole site and context rather than just the house, hence the red line submitted.
- 6.28 Landscape consideration, context and understanding has underpinned and influenced the proposal as a whole. The extensively detailed Landscape and Visual Appraisal (hereafter, LVA)

explains the site is entirely within the Principal Timbered Farmlands Landscape Character Type, characterised by rolling lowland landscapes with occasional steep-sided hills and low escarpments. They have a small-scale, wooded, agricultural appearance and are complex - in places intimate - made up of a mosaic of small to medium-sized fields, irregularly-shaped woodlands and winding lanes. These factors all contribute to the organic character of this landscape.

- 6.29 The proposals are truly landscape-led and have been subject to the iterative design process embracing ecology and green infrastructure as well as landscape architecture, comprising an in-depth survey and analysis of surrounding landscapes and the amenity of those who use them.
- 6.30 The LVA explains how the proposal delivers a characteristic development. It sets out that, *“in this case, whilst the new dwelling would introduce new built form into a relatively sparsely-settled landscape, due to its nature it would be characteristic. Furthermore, the new house relates well with existing built form in the area, in terms of both balance and communication”*. At paragraph 8.5.1, the LVA summarises that the proposals would have the following impacts on character. Effects on national landscape character would be Negligible Positive. Effects on regional landscape character would be Minor Positive. And effects on local landscape character would be between Minor and Moderate Positive.
- 6.31 The content and depth of analysis offered by the LVA demonstrates that the proposals have been clearly influenced by the local landscape character type, as required by CS Policy LD1, which is consistent with Section 15 of the NPPF, and Policies OPG1 and OPG11 of the Ocle Pychard Group NDP. The siting, layout and design has been finalised after rigorous assessment of character and ratified by Design:Midlands’ advice. The compliance with Policy LD1’s requirements in respect of landscape character is underscored by net positive effects on character.
- 6.32 Regarding visual impact, officers view that the development give rise to certain beneficial effects on landscape character, and subsequently, associated visual effects would also be beneficial. However, ‘subjectivity’ must be considered, in and that whist there are few objectively beneficial impacts, such as removing an eye-sore, design may be perceived as a positive or negative, depending on the viewership, hence why going through Design:Midlands’ has allowed for industry professionals to provide impartial input. It must also be borne in mind that, as is good practice, the applicant’s Landscape Consultant has assumed a worst-case scenario in their assessment. Thus, the impacts could be far lesser in magnitude and viewed more positively.
- 6.33 The proposed landscape enhancement measures have been designed to reflect their local landscape context, and would noticeably/quantifiably improve many aspects of the existing landscape/ecological baseline situation. This is not the easiest to achieve, particularly given the land is not degraded in any way, often difficult to achieve under paragraph 80(e). MADE’s recommendations welcome the ‘landscape led’ approach being developed for this highly sensitive and prominent site in open countryside. The restoration of historic landscape elements was supported and confirmed that this would lead to enhancement of the local landscape. The overall landscape strategy for the site and access route is considered appropriate and based on a thorough analysis and understanding of the local typography and landscape. Enhancements are details below.
- 6.34 Analysis of old maps revealed there had originally been an orchard in the lower half of the arable field. Reinstating this is characteristic and would bring huge ecological benefits, not least for bats as traditional orchard is a national and county Priority Habitat. A Perry Pear Orchard is proposed which would also play a big part in how the site is experienced. The journey through the orchard towards the house would allow for occasional glimpses of parts of the house without divulging all of it until revealing itself at the final gateway to the meadow in which it sits. The orchard will screen the house from the Three Rivers Ride which runs along the southern boundary of it, allowing privacy, whilst maintaining stunning views out further south, looking over the trees. Furthermore,

historic maps also revealed that there had been a hedge dividing the arable field in two, shown on a map from 1964 hence reinstating this is appropriate and characteristic, providing further enhancement.

- 6.35 Screening planting will be introduced along the boundary with Sheepcotts Court, together with introducing an avenue of lime trees either side of the driveway through the historic parkland setting in front of Sheepcotts Court. The gateway has been designed with an eye-catching approach that grabs the attention before reaching the entrance to Sheepcotts Court. This gateway will use the same materials and language as the house, giving a clue of what is to come. The existing lake will be retained, improving aquatic and riparian habitats around it, and adding a boat-house bat habitat. And the traditional open hay meadow setting will form the context of the new house, allowing it to be at one with and rise out of the landscape. The route of the driveway is a mechanism for curating the journey through the site and that way the house and the views are experience
- 6.36 In addition to the flowing route of the access road through the site, water flowing through the site is a key theme. The contours of site are an important driver of both design and its flowing form. The water body in the south-east corner of the orchard will also serve as a focal point for the users of the Three Rivers Ride bridle path, which runs alongside. A decorative “cider mill” building is proposed, and to house Horseshoe bats. There will also be a lakeside seating area with interpretation boards, providing a public benefit to understanding the character and history of the area. Opposite the cider mill building, on the south side of the lake, a seating area welcomes users of the Three Rivers Ride. There will also be interpretation boards incorporated, which will include details of the diversity of habitats on the site and the rare and notable faunal species that are to be encouraged to use the site. This, taken together, will improve public understanding of the site.
- 6.37 The enhancements respond directly to Policies LD1 and LD3 of the CS, which is consistent with Section 15 of the NPPF, and Policies OPG1 and OPG11 of the Ocle Pychard Group NDP, insofar as they extend tree cover, protect existing trees and help assimilate the architecture into its context. The planting scheme, particularly hedgerow restoration and extensive orchard planting, represents an uplift in character, helps assimilate the architecture with its context and better reveals the significance of the architecture. There is genuine synergy between the landscaping and architecture whereby the landscaping is a fundamental part of the development. The scheme would not achieve paragraph 80(e) status, if it were not for the way in which the landscaping scheme frames the way the architecture is experienced.
- 6.38 The enhancements are a significant benefit and are of a type and extent which would be unique to this particular site. The proposals have been assessed thoroughly and robustly and have been subject of an iterative design process. The Council’s Senior Landscape Officer reports positive effects on landscape character and, necessarily assuming the worst-case scenario and factoring in subjectivity, finds visual effects which do not cause conflict with Core Strategy Policies SS6 or LD1. Further, the significant landscape enhancements, go over and above that which might ordinarily be expected of a residential development. Members will acknowledge that the Council’s senior landscape officers recommends approval of this application with conditions, which will effectively secure the implementation of all element, as well as maintenance and long-term management of all these aspects, which is necessary to secure Paragraph 80(e) status.

Biodiversity

- 6.39 The submitted Ecology Appraisal is an extended phase one habitat survey, great crested newt HSI assessment, badger survey, bat roosting potential survey, bat activity surveys and hazel dormouse check. It identifies that there are no statutory or non-statutory designations at the site but that there are two SWS within 2km of the site. The report describes the arable and grassland fields which make up the application site as of, limited botanical interest/ecological value but that

their mature boundary hedgerows are of good quality and medium ecological value having good potential for faunal species.

- 6.40 The accompanying Ecological Enhancement Strategy and Management Plan explains in depth all of the measures that are being taken to ensure that this project delivers a significant net gain in biodiversity. These are summarised here:
- National and county BAP habitats are proposed to enhance the biodiversity of the site and provide opportunities for significant biodiversity gains for the project.
 - The mature hedgerows and trees on the site will be retained.
 - There are opportunities for the remaining habitats to be significantly enhanced for wildlife and nature conservation.
 - The arable field and poor semi-improved grassland fields currently provide poor potential habitat for faunal species and therefore, further habitat creation and native planting would significantly improve the land for wildlife and by providing habitat linkages and strengthening ecological networks on the site and into the countryside in the vicinity.
- 6.41 The following habitat creation is proposed: orchard planting, parkland planting, native species-rich hedgerow planting, wildlife pond creation, native species-rich wildflower meadow sowing and planting additional native trees, understorey and ground flora in the existing planted woodland. It is proposed that the gaps in the existing hedgerows will be planted up with a variety of native shrubs, the ditch on the south eastern boundary of the arable field be dug out and a proportion of the vegetation removed and the two wildlife ponds in the south east corner of the owners landholding are managed for great crested newts and other wildlife.
- 6.42 Faunal species enhancements proposed comprise the following: creation of a bat void in a proposed boat house (for Daubenton's bats *Myotis daubentonii* and other bat species) and a bat void in a proposed cider mill (for horseshoe bats *Rhinolophidae* sp.), swallow (*Hirundo rustica*) and house sparrow *Passer domesticus*) nest boxes on the above new buildings, bat box scheme, bird box scheme (including barn owl *Tyto alba* boxes) and dormouse box scheme in the planted woodland and mature hedgerows, insect boxes and hedgehog boxes in the mature hedgerows and the creation of an artificial badger sett. An interpretation board will be installed near the new cider mill building, wildlife pond and the Three Rivers Ride Trail.
- 6.43 The creation of native species-rich wildflower meadow and a wildlife pond and planting of an orchard, parkland and native species-rich hedgerows on the site provides potential habitat for a range of protected and notable faunal species including great crested newt, reptiles, badger, roosting, foraging and commuting bats, hazel dormouse, birds and a variety of invertebrates. Mature orchard fruit trees provide potential habitat for a range of invertebrates including notable beetles and moths. All five habitats proposed are Priority Habitats of conservation concern on the national and county BAPs. The additional faunal enhancements, including bat houses for rare bat species, provide further wildlife/biodiversity gains.
- 6.44 On the above basis, the proposals preserve priority species and their habitats in accordance with protective parts of Core Strategy Policy LD2 and NDP Policy OPG11. Specifically, through the extensive and integral biodiversity enhancement scheme, that will work in tandem with the approved landscaping, the proposals wholly fulfil the provisions of CS Policy LD2(2), which requires restoration and enhancement of existing biodiversity features and connectivity to wider ecological networks, LD2(3), which seeks creation of new biodiversity features and wildlife habitats and OPG11(4) which, in essence, amalgamates those two provisions.

Heritage

- 6.45 There are no listed buildings on the site, nor is the site directly affected by any other heritage designation. Nonetheless, this assessment has identified listed buildings and a conservation area within the study area. The provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 are relevant to the determination of this application and the specific impact of the

development proposal on the significance of these assets is discussed herein. Under Section 66 (1), the local planning authority is required, when considering development which affects a listed building or its setting, “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” With particular regard to Conservation Areas, Section 72 of the Act goes on to say, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

- 6.46 Ullingswick Conservation Area is 570 metres to the south-east of the location of the proposed dwelling and 70 metres east of the closest part of the site. The Conservation Area is the historic core of the village and comprises a scattered group of farm buildings and other buildings having a distinctly rural setting. St Luke’s Church is Grade II* listed and is approximately 250 metres to the south-east of the closest part of the site, but 750 metres to the south-east of the location of the proposed dwelling. The following Grade II listed buildings are also within the study area: Barn and Hop Kiln North of Upper Court (Grade II) – 290 metres to the south-east; Upper Court (Grade II) – 310 metres to the south-east; Lower Court (Grade II) – 400 metres to the south-east; and Barn East of Lower Court (Grade II) – 420 metres to the south-east.
- 6.47 As explained in the NPP, significance also derives from the setting of heritage assets. The Framework defines setting as: “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”
- 6.48 The Council’s Building Conservation officer concludes that with regards to the impact on the Conservation Area, at their closest points, the Conservation Area boundary lies c. 65m east of the application site. While this appears relatively close, large sections of the site will remain open landscape and as such there is over half a kilometre between the proposed dwelling and the Conservation Area. A dwelling of this scale with extensive ground would not be wholly uncharacteristic. The settlement pattern of the area as existing is dispersed. The identified site for the dwelling, isolated from other development in the surrounding area, would not disrupt this existing settlement character. It is felt the proposal would not alter how the existing Conservation Area is viewed and experienced and as such no harm is identified.
- 6.49 Officers concur with these conclusions. The proposals would not affect the setting, experience and significance of heritage assets. Accordingly, the scheme would conserve the setting of heritage assets through sympathetic design and appropriate landscaping in accordance with the provisions of Core Strategy LD4 and NDP Policy OPG12 (1 & 2), which is consistent with Section 16 of the NPPF. Given no harm has been identified, the scheme is considered to have a neutral impact on the historic setting of the site and there is no need to undertake the paragraph 202 test of the NPPF, and that the statutory duties of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Transportation

- 6.50 Access arrangements propose utilising the existing access to Sheepcotts Court, via the U66005, and subsequently leave the public highway, through the formation of the gravelled access drive that winds its way through the site and up to the proposed dwelling. No objections have been raised by the highways area engineer. a 3.5m wide ‘driveway with a crushed stone surface and a central grassed strip will be provided to serve the dwelling from the existing access point to the courtyard where the entrance to the dwelling, garages and parking is located. The main entrance gate will be set back from the road to allow vehicles to pull safely off the road before stopping to open the gate. A discreet call point, accessible whilst in the vehicle or indeed by foot, will link to the dwelling, to allow the occupiers to open the gate remotely. Further gates with call points linked to the dwelling are located at the entrance to the orchard and the entrance to the meadow. Manual

gates suitable for use by horse riders without dismounting will be located along the Three Rivers' Ride, adjacent to the vehicular gate.

- 6.51 The proposals include garage based parking for 2 cars. Further parking is available in the courtyard and "show garage". All spaces are designed to be suitable as disabled parking bays, measuring 6.2m by 3.6m, in accordance with the overall design philosophy to create a lifetime home. 4 bicycle parking spaces are provided in the secure garage and also a charging point for the charging of plug-in and other ultra-low emission vehicles, as strived for by the NPPF, Policy SS7 of the CS and Policy OPG13 of the NDP, can be secured by written condition.
- 6.52 Whilst inevitably a new dwelling will lead to some intensification in vehicular traffic on the surrounding local highway network, it is viewed this would not result in a severe impact upon the operation of the surrounding local highway network, and as such there are no significant highways and transportation matters that should preclude the granting of planning permission. The application is in compliance with CS Policies SS4 and MT1, which is consistent with Chapter 9 of the NPPF, having particular regard for paragraph 111, as well as Policy OPG13 of the Ocle Pychard Group NDP.

Drainage

- 6.53 Drainage arrangements are set out in the revised Surface Water Management Plan and Foul Water Drainage Strategy. Existing water on the site relates to springs in the northern boundary of the field to the east of the site flow partly over and partly underground until they join the ditch on the boundary, at which point there is a constant natural flow of running water, which feeds into the watercourse that continues around the north and east of Ullingswick and off to the south. Water supply to the new property will be via a borehole. Surface water drainage will be partly into the pool to the north side of the house and partly to underground pipes, both of which will feed into the proposed pool to the south side of the house. This will feed via a rill that will flow down to a small attenuation lake in the south-east corner of the meadow. This then joins the existing watercourse and flows along the hedgerow around the eastern side of the orchard field and finally into a lake in the south east corner of the orchard field, before flowing into the watercourse that continues around the north and east of Ullingswick and off to the south. Foul drainage will be collected by a dedicated, sealed and separate sewer system. Treatment will be provided via a package sewage treatment plant, feeding a drainage mound and constructed wetland. This will produce a highly treated effluent that is safe to be discharged into the small attenuation lake and subsequently to the watercourse. In terms of additional tertiary treatment, the small attenuation lake will provide further effluent treatment due to dilution effects plus expose of the flow to both sunlight and aerobic conditions.
- 6.54 Members will note that Land Drainage have reviewed the proposals. They have no objections to the application, however wish to see the detailed design of the foul and surface water drainage plans/construction drawings and confirmation of the borehole location. Given the large area of available land, they feel that an acceptable drainage strategy can clearly be achieved at this site. The proposed drainage arrangements are considered to be acceptable in line with Policies SD3 and SD4 of the CS, which is consistent with Section 14 of the NPPF and Policies OPG1 and OPG13 of the NDP.

Habitat Regulations Assessment (HRA)

- 6.55 Paragraphs 179 – 182 of the NPPF outlines the requirement for planning policies and decision to protect and enhance biodiversity and geodiversity. Paragraph 182 clearly states: "*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*". Paragraph 181 clearly confirms that Special Areas of Conservation should be given the same protection as habitats sites.

- 6.56 The application site lies within the Lugg catchment (Lugg-Little Lugg sub-catchment), which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (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')) as being of international importance for its aquatic flora and fauna. At present, levels of phosphates in the River Lugg exceed water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the LPA) is required to consider all potential effects (either alone or in combination with other development) of a proposal upon the European site through the HRA process.
- 6.57 Planning Permission can only be granted if there is legal and scientific certainty that no unmitigated phosphate pathways exist and the HRA process can confirm 'no adverse effect on the integrity of the River Lugg (Wye) SAC'. Natural England, the statutory nature conservation body, have advised the Council that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area. The 'Wealden' case judgement also confirms that it is not just individual applications (projects) that must be considered but any potential cumulative or 'in combination' effects (which applies to SSSI and SAC designated sites).
- 6.58 Case law (*People over Wind and Peter Sweetman v Coillte Teoranta (Case C-323/17)*) requires the decision maker, when considering the effect that a proposal may have on such a European Site either individually or in combination with other development, to consider mitigation within an appropriate assessment rather than at screening stage. In the absence of mitigation measures and using a precautionary approach, run off from drainage associated with the development may affect the nutrient levels and therefore, the water quality of nearby watercourses. The balance of which could impact on the habitat supporting wildlife and further exacerbate the unfavourable water quality condition within the SAC. As such, there is a risk of a significant effect on the internationally important interest features of the SAC.
- 6.59 Whilst previously Natural England and the Council had considered that development that accorded with the Nutrient Management Plan (NMP) for the River Wye SAC, that aimed to reduce phosphate levels to below the target by 2027, might be acceptable, the position has changed in light of more recent caselaw (*Cooperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord-Brabant (Cases C-293/17 and C-294/17)*). This decision suggests that where a designated European conservation site is failing its water quality objectives there is no, or very limited scope for the approval of development that may have additional damaging effects.
- 6.60 Advice from Natural England dated 5 August 2019 to the Council confirms that reasonable scientific doubt remains as to whether the NMP would provide appropriate mitigation. However, specifically in relation to the use of private foul water treatment systems discharging to soakaway drainage fields at some distance from watercourses, criteria are set whereby there would be sufficient scientific certainty to ensure that all phosphate pathways to the River Lugg would be mitigated, as set out in the Council's most recent position statement for development in the Lugg catchment dated April 2021. The key requirement within the Position Statement for this development is to demonstrate neutrality or benefit in relation to phosphate amounts.
- 6.61 The planned development takes existing farmland that has been used for arable farming out of production. The phosphate generated by the farmland and mitigated for by the new orchard would exceed the phosphate due to human activities associated with the new dwelling and this would lead to a net decrease of phosphate into the wider water environment. Developing the site from a arable field into a single dwelling house, utilising a combined treatment facility consisting of a

package treatment work, drainage mound and a wetland, with an orchard being installed in some 2/3 of the site's area, would lead to a Phosphate reduction on an annual basis.

- 6.62 To provide legal and moreover, scientific certainty, the Council's phosphate calculator has been used to establish the principle of the supplied Nutrient Neutrality (NN) and P calculator results is all very positive, in the view of the Council's Ecologist, and there are no reasons that this would not be acceptable.
- 6.63 The supplied technical foul water management drainage report is noted. The required HRA appropriate assessment can be completed based on the 'standard' private foul water system as identified in the October 2022 technical note. Any additional drainage features, orchard creation and land management can be considered as a landscaping proposal and part of the delivery of 'exceptional' biodiversity net gain and habitat enhancement measures being delivered by the development and should be secured for implementation and appropriate management for a minimum period of 30 years from first use of the development it supports.
- 6.64 In respect of notes in relation to the Habitat Regulation Assessment, the proposal is for a single residential dwelling with associated new foul water flows (phosphate pathways) created. No mains sewer connection is available at this location. A private foul water management system is proposed – Package Treatment Plant to drainage field. The supplied technical foul water management drainage report provides confirmation that this proposed system can be achieved at this location. Due to locally poor deep infiltration a drainage mound system is proposed to utilise the adequate 'top soil' percolation capacity and provide required depth of 'polishing' of the final outfall from the PTP ensuring all potential nutrients are managed within the drainage mound and local soils. This will be a 'small' private foul water system with flows under 2m³/day and so nutrient neutrality can be considered through the 7 criteria currently agreed with Natural England as demonstrated in the supplied technical note on foul water management. With all nutrients managed within drainage mound and local soils there are no additional nutrient pathways in to the River Lugg SAC from this proposed development. The agreed foul water management scheme can be secured by condition on any planning permission granted.
- 6.65 As agreed with Natural England where a foul water scheme can be demonstrated as being a 'small', fully achievable scheme and compliance with the agreed 7 criteria the application can be considered as 'screened out' at Stage 1 Appropriate Assessment and no formal consultation with Natural England is triggered. All surface water can be managed through appropriate on-site sustainable drainage systems and are not identified as an effect on the River Lugg SAC. The proposal accords with Policies LD2 and SD4 of the Core Strategy, which is consistent with Section 15 of the NPPF, in referring to Paragraphs 179-182, and Policies OPG1 and OPG11 of the Ocle Pychard Group NDP.

Arboricultural

- 6.66 An arboricultural survey of the site has been conducted to BS5837:2012. The survey area comprised the arable field and extended to the south where the new access track is proposed to the new dwelling from the existing access drive to Sheepcotts Court. Recommendations were made for trees which are not to be felled, but are in close proximity to the proposed development area, to ensure that these trees are not adversely affected by the development proposals. Recommendations have also been made for arboricultural works to some trees in the interest of health and safety.
- 6.67 Members will recognise the Council's Tree Officer identifies that proposal appears to offer low arboricultural impact on existing trees. The tree report identifies 3 trees in total which are to be removed, which they do not object to, considering that the substantial planting being introduced, should approval be granted. Officers view the proposal is compliant with policies LD1 & LD3 and Policies OPG1 and OPG11, in relation to arboriculture.

Other considerations

- 6.68 A bin 'presentation point' will be provided adjacent to the entrance gates for refuse collection. Outside of these times provision for storage and separation of waste and recycling will be provided within the kitchen and utility areas of the main dwelling. The main bin store will be located in the garage.
- 6.69 The loss of agricultural land is not a reason to withhold planning permission. The land in question is not designated from being restricted from a change of use.
- 6.70 The impacts during construction and loss of competing businesses are not material planning considerations and should not form part of the decision taken by this committee.

Planning Balance, Summary and Conclusions

- 6.71 The application is assessed against Policy RA3 of the CS, which is consistent with Paragraph 80(e) of the NPPF and Policy OPG2(4) of the made NDP, namely a proposed scheme, which in the view of the applicant, amounts to a design of exceptional quality. At section 6.11, officers raised a number of questions associated with paragraph 80(e), in terms of what is required to meet the benchmark. These questions are answered below.
- 6.72 The proposed dwelling has a flowing form predicated upon the topography and contours of site, putting forward a material palette and choice which accentuates the building's form, assimilating it with its natural context, including the flowing outlines of nearby ancient woodland. The building's massing at its central point gives way to a split-level form to its sides, with the second storey being set back significantly from the first. The route which the curvature of the dwelling and access track follow are based on the contours of the site. The effect is a dwelling which flows into and out of the landscape and which is of the hillside rather than on it.
- 6.73 There is extensive landscaping (particularly at the foreground of views from the south), and a consistent vegetative backdrop, ensuring the building avoids breaking the skyline when viewed from public vantage points. For these reasons, and as a result of the iterative and engaging design process, the scheme's architecture is viewed to be exemplary and demonstrably influenced by its landscape setting.
- 6.74 The dwelling is a bold, unique and attractive building which, by virtue of its exciting and vibrant design, embracing strong architectural and landscape design principles, would be a positive element in the landscape. Using two different locally-sourced stones across the building to recess the subordinate edges of the building, this will enhance the more dominant central part. Further, through adopting a landscape-led design approach, the proposal would have a positive effect on landscape character, minimise visual intrusion, and deliver significant biodiversity benefits whilst being neutral in terms of its impact on the historic environment. On this basis, the proposals are sensitive to the defining characteristics of the area and would significantly enhance the immediate setting.
- 6.75 Officers have given considerable weight to the conclusions of Design:Midlands, who consider the scheme to be an outstanding design, which should be identified as being quite considerable given this has come from impartial and independent industry professionals. The scheme is the same as reviewed by Design:Midlands. Paragraph 133 of the NPPF (2021) identifies that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include design advice and in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
- 6.76 The public benefits that the proposal will bring include improving accessibility and understanding to an extensive network of public footpaths and can provide a shining example as to what can be

truly achieved in terms of design, but also enhancing landscape, biodiversity and particularly sustainability credentials, further raising of the bar. The use of an Earth Energy Bank with GSHP, PVT and Ground Supercharger installed together will be, as officers understand, would be the first of its kind anywhere. The reinstatement of a traditional orchard, creation of a parkland setting and a hay meadow and new water bodies are also the forefront of the proposals, not merely an after-thought and truly is, a landscape-led proposal of merit.

- 6.77 A Paragraph 80 dwelling should be considered a 'landmark building', akin to our listed buildings of the future. In the view of officers, the proposals accord with the provisions of Paragraph 80(e) of the NPPF and thus the scheme constitutes is an exceptional form of development which is permitted by CS Policy RA3 and, by extension, NDP Policy OPG2. The proposals cause no technical harm as has been considered and assessed throughout this report. To achieve this, and given the uniqueness of this scheme, it is advised that permitted development rights be removed. The application is accordingly recommended for approval, as laid out below.

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)**
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. C06 – Development in accordance with approved plans**
The development shall be carried out strictly in accordance with the approved plans, 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, Policies OPG1, OPG2 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 3. CBK (Restriction on hours during construction phase)**
During the construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Saturday 7.00 am-6.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 4. CKP – Ecological Protection & Protected Species**
The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European Protected Species Licence, as recommended in the ecology report by Udall-Martin Associates Ltd dated March 2022 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority.

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 and Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan.

5. CNS – Non-standard condition

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Udall Martin Associates - Arboricultural Survey, Impact Assessment and Method Statement for Development Purposes (BS5837: 2012)

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework

6. CAT – 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

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 and pedestrian safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

7. CK6 – Landscape Scheme – Implementation

No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include as a minimum:

- a) A statement setting out the design objectives and how these will be delivered;
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the ‘Construction Code of Practice for the Sustainable Use of Soils in Construction Sites’ (DEFRA 2009);
- c) A plan showing existing and proposed finished levels or contours;
- d) A drawing detailing hard surfacing materials;
- e) Boundary treatments and means of enclosure;
- f) Vehicle/Pedestrian/Bridleway access, including surfacing materials;
- g) Trees and hedgerow to be removed;
- h) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012;
- i) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details (i.e. orchard species/root stock, wildflower mix, aquatic species, nuts and parkland trees); and
- j) A plan detailing water attenuation schemes, to include provision of levels, sections and details of the approved hydrology systems.

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, Policy OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework

8. **C13 – Samples of External Materials**
With the exception of any site clearance and groundwork, no further development shall take place until manufacturers samples of the materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

9. **CNS (Non-standard condition)**
No development shall take place until the detailed surface water and foul water drainage plans/construction drawings, and confirmation of the borehole location, is submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the dwelling hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided, to ensure that the development does not give rise to potential surface water flooding risk, to ensure no impacts on existing drainage arrangements and no ground pollution and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. **CNS – Habitat Regulations (River Lugg (Wye) SAC – Foul Water Management**
Unless otherwise approved in writing by the planning authority, all foul water, created by the development approved by this permission shall discharge through connection to a new private foul water treatment system comprising of a Package Treatment Plant discharging to a shallow percolation drainage mound as outlined in the Foul Drainage Design Technical Note by Corner Water Consulting dated October 2022.

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 SD4.*

11. **CH8 – Joinery Works**
No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.
- Method & type of glazing.
- Colour Scheme/Surface Finish

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the interest and character of the approved scheme, in accordance with policies SD1 and LD1 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan.

12. **C12 – Rainwater Goods**
Details of the material, sectional profile, fixings and colour scheme for Rainwater goods (to include any gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the interest and character of the approved scheme, in accordance with policies SD1 and LD1 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan.

13. CNS (Non-standard condition)

Prior to first occupation of the dwelling, written and illustrative details of the number, type/specification and location of 1 no. charging point to enable the charging of plug in and other ultralow emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwelling, shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate and Ecology Emergency declared by Herefordshire Council, to accord with the provisions at paragraphs 107 and 112 of the National Planning Policy Framework and Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan.

14. CK7 – Landscape Implementation

The hard and soft landscape works shall be carried out in accordance with the approved details pursuant to condition 7 before any part of the development is first brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance pursuant to condition 14.

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, Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

15. CK8 – Landscape Maintenance

Before the development is first brought into use, a schedule of landscape management and maintenance plans for all three landscape zones (Meadow, Orchard and Parklands) and associated landscapes (i.e. aquatic planting), shall be submitted to and approved in writing by the local planning authority. The relevant time period shall be for the lifetime of the development in relation to soft landscaping and 10 years in relation to hard landscaping. 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, Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

16. CC1 – Lighting

Details of any additional external lighting proposed to illuminate the development, except as otherwise indicated in the approved plans, shall be submitted to and approved in writing by the local planning authority prior to installation. Development shall be carried out in accordance with the approved details.

Reason: To safeguard local amenities and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1, OPG11 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

17. **CE2 – Solar panels or other external renewable energy installations**
Within six months of any of the photovoltaic thermal panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference. They shall be replaced with new photovoltaic thermal panels, within three months of their removal, unless an alternative timetable is otherwise agreed in writing with the Local Planning Authority prior to removal.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

18. **C64 – Restriction on Separate Sale (Red Line)**
No part of the approved development, defined within the residential curtilage and its extent is as indicated by the location plan, shall be sold, leased or let separately from each other, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of maintaining paragraph 80 status, it would be contrary to policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy OPG2 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework, with particular reference to paragraph 80.

19. **C65 – Removal of Permitted Development Rights**
Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA, B, C, D, E and H of Part 1 and Class A of Part 2 of Schedule 2, shall be carried out.

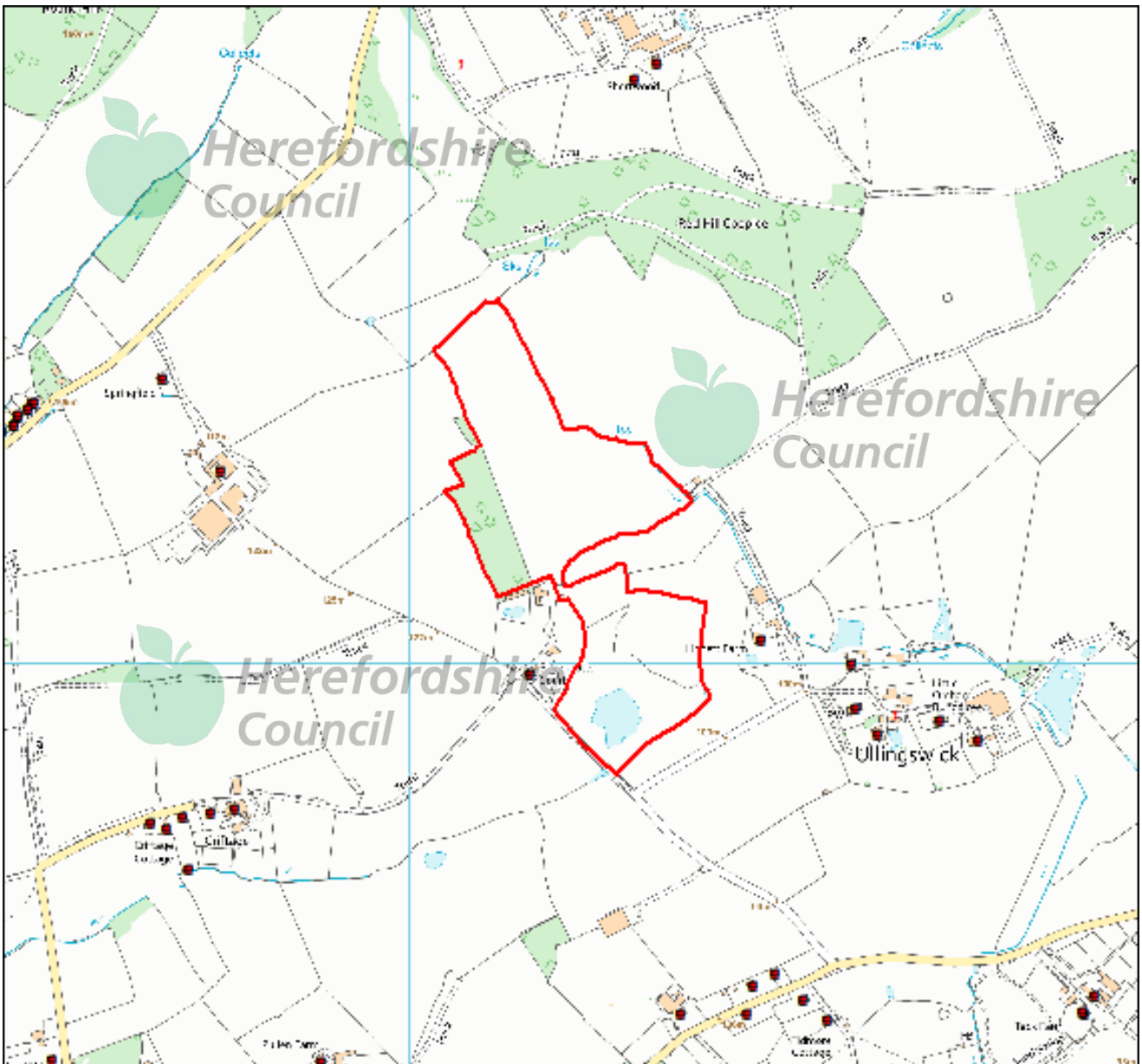
Reason: In order to protect the character and amenity of the locality, to allow the Local Planning Authority the opportunity to assess future development in light of the paragraph 80 status of the approved development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

1. **IP2 (Application approved following revisions)**
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. **I05 - No drainage to discharge to highway**
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or

effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. **I11 – Mud on highway**
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.
4. **I10 – Access via public right of way**
Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.
5. **I33 – Ecology General**
The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000. The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.
6. **I65 – Surface Water Drainage and Waste Disposal**
The attention of the applicant is drawn to the terms of Condition 9 above which requires measures to be undertaken that may be above the minimum standards set out in the Building Regulations Approved Document Part H Drainage and Waste Disposal.
7. **INS – Non-standard informative**
The local planning authority advises the applicant that if there is a requirement to carry out works in the highway, one should see the various guidance on Herefordshire Council's website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>



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

APPLICATION NO: 221177

SITE ADDRESS : SHEEPCOTTS, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ

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

