

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	<p>181523 – PROPOSED EXTENSION AND EXPANSION OF EXISTING B1 FACILITY COMPRISING OF:</p> <p>1) CHANGE OF USE OF GRAIN STORE TO NEW PRODUCTION FACILITY</p> <p>2) EXTENSION TO PROVIDE ADDITIONAL OFFICE SPACE AND RESEARCH AND DEVELOPMENT FACILITIES</p> <p>3) ADDITIONAL CAR PARKING PROVISION</p> <p>4) PRODUCTION WATERS TREATMENT PLANT</p> <p>AT CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UW</p> <p>For: Mr & Mrs Lambe per Mrs Vicky Simpson, Bayton Farm Bungalow, Bayton Farm, Phocle Green, Ross-On-Wye, Herefordshire HR9 7TS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181523&search=181523
Reason Application submitted to Committee – Redirection	

Date Received: 24 April 2018

Ward: Old Gore

Grid Ref: 365166,228795

Expiry Date: 11 January 2019

Local Member: Councillor B A Durkin

1. Site Description and Proposal

1.1 The application is located in an open countryside location north of Upton Bishop and the application site, which is part of a larger land holding and established rural enterprise, covers an area of approximately 0.59hectares. An ordinary watercourse flows through the site. The topography of the site is relatively flat. The site is not within a designated landscape and no designated heritage assets are located on or adjoining the site.

1.2 The proposal has four parts, these are:

1. Change of use of grain store to new production facility

The conversion of an existing unused building, dated circa 1984, to provide an additional production and storage facility. There are no external alterations proposed.. An air conditioning unit would be located adjacent to the northeast elevation of this building.

2. Extension to provide additional offices and research and development facilities

An extension of an additional 183 sq metres floor space to the East/ rear of the existing offices building which provide a meeting room, a development laboratory and a number of store rooms and W.C.s. These new facilities would be accommodated within an extension to the rear (eastern side) of the existing offices.

3. Additional car parking provision

An additional 14 car parking spaces to be provided within a field located on the opposite side of the internal access road from the existing car parking area. The car parking area would be surfaced with a permeable surface product which over time would blend into the landscape.

4. Waste water treatment plant

A new Effluent Treatment Plant (ETP) to treat the waste water from the various processes on site. The ETP will operate via the aerobic bacterial fermentation of the effluent using technology referred to as "Sequential Batch Reacting" and will result in treated water that is considered acceptable to discharge to the environment.

- 1.3 The treatment plant will comprise of three tanks, two of which will be above ground and one below. One tank is to hold the raw effluent, and this tank will be constantly topped up from production, acting as a reservoir. The other two tanks are the sequence tanks where the treatment process takes place. The tanks are to be contained in a concrete bund to provide containment of any raw effluent or effluent under treatment, in the unlikely event of a leak, overflow or similar occurrence. There is a control system designed to prevent this and provide a fail-safe operation.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
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/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 1. Introduction
- 2. Achieving Sustainable Development
- 6. Building a Strong, Competitive Economy
- 8. Promoting Healthy and Safe Communities
- 9. Promoting Sustainable Transport
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment

3. **Planning History**

- 3.1 170355 – The erection of, alterations to and change of use of buildings for: agricultural use, light industrial B1(C) use and a mixed use of light industrial B1(c) and agricultural uses – retrospective – Approved w/conditions
- 3.2 164003 – Certificate of lawfulness for an existing use of land and buildings for light industrial B1(c) use, and a mixed use of light industrial B1(c) and agricultural uses – Granted
- 3.3 SH920096PF – Change of Use of Existing farm buildings for washing, packing and chilling of culinary herbs – Approval w/conditions

4. **Consultation Summary**

Statutory Consultations

- 4.1 Severn Trent Water comments *As the proposal has minimal impact on the public sewerage system can advise we have no objections to the proposals and do not require a drainage condition to be applied.*
- 4.2 Welsh Water comments *As the applicant intends utilising a septic tank facility we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.*

Internal Consultations

- 4.3 The Transportation Manager has no objection, commenting:

Existing use

The existing site layout is permitted and previous applications have not received any objections from highways, therefore the existing development has lawful use to access the highway without restriction.

Development

1. The development proposes, a change of use of grain store to new production facility, extension to provide additional office space and research/development facilities, additional car parking provision and a water treatment plant on site.

2. Core strategy policy MT1 covers traffic management, highways safety and promoting active travel. The policy states that developments should demonstrate that the impact of the proposals will not have a detrimental impact on the highways network. The proposals associated with this application will look to employ an additional 5 members of staff however the development will result in the number of tankers being reduce/removed from the highway network as the water treatment plant will be on site. After a number of objections were received relation to highway movements and their impacts, discussions were had with the applicant and HC to discuss any options to reduce the current level of vehicles using the network. The applicant agreed to implement a travel plan which includes car sharing for members staff in the view to reduce the number of movements along the whole network. They have also looked a different ways to organise their deliveries to further reduce the movements. HC has been informed that these initiatives have reduced the number of movements along the highways network by 25%. The travel plan will be included as part of the conditions if permission is granted, this allows for future review and updating. Reduction of vehicle movements is in line with the HC Highways Maintenance plan which looks to reduce the number of vehicles using this class of road. The applicant has also looked at provided passing bays along the U70004; this option has been objected to by some residents whom have objected to the planning application. It is HC's view that passing places should be provided as part of the construction of the development however they can be at the smaller size shown in drawing number 20274-01. The provision of passing places will reduce private accesses being used as passing places.
3. The option of a weight restriction has commented by objectors. Weight restrictions require a TRO (Traffic Regulation Order) which requires going through pubic consultation and statutory consultation including the police. Due to its rural nature any legal restriction implemented could have issues with enforcement, therefore leading to vehicles not adhering to the restrictions. No request for a weight limit has been received from the Parish Council or Local Member by BBLP. It should be noted that even if a weight limit was to be provided, the restriction would have to allow an "except for access" exemption for existing residents, farms and businesses to have deliveries.

Conclusion

With the proposed development and the mitigation the applicant has looked to provide, the proposed development would not be classed as severe, and therefore If minded to approve please condition

- 4.4 The Conservation Manager – *Ecology* comments *I have read the ecological report and the enhancement plan submitted. The findings are acceptable.* In order to implement the ecological proposals I suggest a condition is added to any permission.
- 4.5 The Environmental Health Manager, from a noise and nuisance perspective, has no objections to this proposal.
- 4.6 The Drainage Engineer comments:

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.

The planning application has been supported by a Flood Risk Assessment (FRA). The FRA addresses the Risk of Surface Water Flooding. The topographical survey demonstrates that the land falls towards the south of the site to the watercourse channel.

Surface Water Drainage

The use of grasscrete will not impact on surface water runoff or flooding, so the proposals for the car parking are acceptable. The proposed extension area (183m) and the concrete areas for the treatment plant will be directed into pond 1 to follow the existing 'treatment train'.

The Applicant should provide further information in regards to the restriction devices used between ponds, beds and the watercourse. The drainage strategy must demonstrate that the ponds hold sufficient capacity to cope with the 1 in 100 year + 40% event. It appears that the ponds are often at full capacity. It may be necessary to raise the banks of the ponds to provide additional storage to ensure that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Foul Water Drainage

The Applicant has demonstrated that the sewage treatment works disposes of treated effluent to a reed bed, followed by a willow bed (for further treatment) with final outfall to the watercourse to the northeast. The Applicant has demonstrated that the proposals are compliant with the general Binding Rules.

Summary

In principle, we do not object to the proposed development, however we recommend that Clarification of the orifice size required to restrict the flows from the proposed attenuation tank to 1l/s is provided within suitably worded planning condition.

5. Representations

5.1 Upton Bishop Parish Council objects to the proposals due to the road infrastructure and the amount of vehicles travelling to and from the site on a daily basis. The fact that the plant would be running 24 hours a day, 7 days a week, and the impact on the environment. Concern was also raised regarding the noise levels.

5.2 38 letters of objection have been received, comments are summarised as:

- The proposal is yet further expansion of the business
- The industrial use in a countryside location is inappropriate
- Concern regarding existing and increasing levels of commercial traffic
- Concern regarding highway and pedestrian safety
- Capacity of the local road network
- Impact on local residents
- Impact on the environment
- Recent contracts secured by the business will increase impact and concerns
- The business has outgrown its location
- A new vehicular separate access is required
- Noise, dust and nuisance
- No passing places create blockages in lane when vehicles meet
- Unsuitability of local road network to accommodate the business requirements
- Concern regarding conduct of road users

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

5.3 23 letters of support have been received, comments are summarised as:

- Planning committee is encouraged to recognise the importance of local businesses in the rural economy, particularly the ones who are doing well
- Refusing this application would be equated to scoring an own goal
- As a business owner, if the application is refused we will consider relocation due to uncertainty
- Opposition to the proposal and its resistance is and would be disappointing and alarming from perspective of other businesses
- The business employs local people and supports other local businesses
- The business delivers the economic vision of Herefordshire Council
- The business has the highest environmental credentials, no waste goes to land fill, it has won organic farm awards
- Traffic issues on the network are not solely the businesses fault
- Production capacity increase does not mean increased traffic
- Business has outstanding environmental and work place reputation
- The proposal offers significant ecological enhancement and management gains
- Much valued rural employer of skilled jobs
- The countryside is and always be a working environment and not a leisure park
- Despite accounting for 30% of all traffic the business has committed to improving and mitigating its contribution
- Previous applications for the business were approved with no issue
- Significant traffic mitigation is proposed
- The road situation hereabout is not unique and common over the county

5.4 The Preservation of Rural Beauty (PRuB) objects on the following summarised grounds:

- Concern over precedent of enabling passing places to accommodate traffic types and volumes and impact on natural environment
- Inappropriate location for such an enterprise

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=181523&search=181523

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

Legislation

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.*" The development plan is the Herefordshire Core Strategy.

Herefordshire Core Strategy

6.2 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.

- 6.3 Core Strategy policy SS6 states proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.4 Core Strategy Policy RA6 is in principle supportive of development proposals that enable the County's regeneration of its economic base, of which agriculture and farming is an important part. The policy criteria support and strengthen local food and drink production and the retention and/ or diversification of existing agricultural businesses.
- 6.5 Policy SD1 requires development proposals, should:
- 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

National Planning Policy Framework

- 6.6 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and people's quality of life.
- 6.7 Paragraphs 7 and 8 set out and define sustainable development and three overarching objectives: *economic*, *social* and *environmental*, which are both the aims of the planning system and interdependent and need to be pursued in mutually supportive ways.
- 6.8 The economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. At the same time the environmental objective, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy should be met.
- 6.9 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.10 Chapter 6 sets out how the Government's target of building a strong, competitive economy. Paragraph 80 states Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and

wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

- 6.11 The Government has specific aims and objectives regarding rural economic development set out under *Supporting a prosperous rural economy* and paragraphs 83 and 84 which state –

Planning policies and decisions should enable,

- 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

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

- 6.12 Paragraph 103 states *The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

- 6.13 Paragraph 109 states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 6.14 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.15 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.16 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Background

- 6.17 Blue Sky Botanics Ltd. was established by the applicants in August 2005 and the business has operated from the complex of buildings at Castle Farm since that time. Blue Sky Botanics Ltd. process plants and herbs to produce a range of herbal products, including extracts, flavourings and distillates. These products are then sold to other business which use the products as an ingredient for their own products.
- 6.18 At present the business employs 34 full time (equivalent) members of staff, the majority of whom are either skilled or highly skilled, including 4 staff members with PHDs, and 23 staff members with degrees or equivalent. 20 out of 34(i.e. 60%) of staff live within 10 miles of Blue Sky.
- 6.19 The buildings at Castle Farm are used to provide office and meeting accommodation, research and development laboratories, a production unit/ factory, intake, despatch and storage and rest rooms associated with the operation of Blue Sky Botanics. The proposal will create an additional 5 full time jobs.
- 6.20 It is noted preceding applications 164003 and 170355 as detailed in Planning History, above paragraph 3.1, were not only approved under delegated powers but also attracted no representations of objection. There is also no record or complaints made to the LPA, transportation section, or Environmental Health with regards to the enterprise with regards the above or during the period prior to the Certificate of Lawfulness being applied for and granted.

Assessment

- 6.21 The proposal is the relatively small scale expansion and upgrading of an existing established and successful rural business with minimal new build development set within a well contained site which already benefits from the owners careful and purposeful landscaping and ecological schemes.
- 6.22 The site is in an open countryside location, partly due to a combination of being what can be considered an original farm diversification scheme and its land use requirements. The site, however, is not within or near an Area of Outstanding Natural Beauty and no designated heritage assets are on, adjoining or have inter-visibility with the site.
- 6.23 Access to the application site is from the U70004 which serves in addition to the business eight dwellings and two farms. The unclassified road then joins the C1286 which provides connection to the B4221 and B4334 which connect to the wider strategic road network, including M50 which is around 5km away from the site by road.
- 6.24 Objections from local residents with respect to highway safety, capacity and intensification concerns have been supported by, amongst other material, a traffic count, photographs and

video clips. All of this has been assessed by the Transportation Manager. Based on local concerns, Officers have required of the applicant further detailed assessments and negotiated mitigation measures including a Travel Plan of which some measures have been trialed, and creation of formal passing bays within the unclassified road on highway land.

- 6.25 The starting point is the consideration of the existing lawful use. The existing business is lawful and not subject to any specific restrictions limiting that lawful use. The highway serving the business and proposal is equally unrestricted. Accordingly there is unrestricted vehicular access to and serving the business. The test therefore is whether the proposal, and any intensification or increase in vehicular movements, individually or cumulatively with the existing situation creates a serve adverse impact on highway safety. Further to that, if there were such an impact or indeed any demonstrable impact, are there ways the impact can be mitigated.
- 6.26 The proposals would create an additional 5 members of staff however the development will result in the number of tankers being reduced/removed from the highway network as the water treatment plant on site will have increased capacity beyond the existing situation, which requires emptying around twice a week, which is four movements.
- 6.27 The proposal offers a number of mitigation measures that are, given the scale of the proposal and with regard to the existing lawful unrestricted situation, clear planning gain. Following discussions with the applicant they agreed to implement a travel plan which includes car sharing for members of staff with a view to reducing the number of movements along the whole network. They have also looked a different ways to organise their deliveries to further reduce the movements. It is understood these initiatives have reduced the number of movements along the highways network by 25%. The travel plan is recommended to be included as part of the conditions if permission is granted, which will allow for future review and updating. Reduction of vehicle movements is in line with the Council's Highways Maintenance plan which looks to reduce the number of vehicles using this class of road.
- 6.28 The applicant has also looked at providing passing bays along the U70004. The provision of passing places will reduce private accesses being used as passing places and can occur within highway land. Plans supporting the proposal show these are deliverable and conditions securing their implementation and construction are recommended. A trial period of measures to reduce movements through methods such as car sharing and control of deliveries over a 5 week period has resulted, as referenced by objectors, in a fall in vehicle numbers which they cautiously and positively welcomed. The further implementation and monitoring of such a Travel Plan within the context of the existing use and proposed application is considered capable of mitigation and enhancement of the situation.
- 6.29 The Government position is clear on the matter. NPPF paragraph 109 is unequivocal in its position:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.30 On this basis, noting the local concern, it is considered there are no technical or policy grounds to refuse the proposal on highways grounds. The impact of the development is not classed as *severe*, and as such does not justify refusal. Highway enhancements and traffic volumes are on balance reduced due to the measures contained within the application and the recommended conditions. As such CS policies MT1 and RA6 are satisfied along with the relevant aims and objectives of the NPPF.

- 6.31 The proposal is supported by a detailed habitat enhancement plan and landscape proposals, which include:
- In-planting of native species within existing species poor hedgerows
 - New native species hedge planting
 - Sowing of wildflower and grass seed mix around the proposed new car park area
 - Proposed planting of locally sourced dessert variety orchard to the east, south and west of new car park and to the north of the site
 - Installation of 3 x 2F Schwegler bat boxes
 - Installation of 3 x 1FF Schwegler bat boxes
 - Installation of 3 x Schwegler 1B box 26mm hole
 - Installation of 3 x Schwegler 1B box 32mm hole
 - Planting of native flowering plants
 - Installation of 3 x Schwegler wood-concrete insect nesting aids
 - Wildflower areas of the site will be created that provide habitats and refugia for small mammals including hedgehogs, amphibians in their terrestrial phase and reptiles.
 - Form log piles from any felled trees on site to provide habitats for invertebrates and small mammals.
 - Installation of 2 x Schwegler woodcrete hedgehog domes
 - Installation of a rock strip will be constructed around the line of the proposed new hedgerow – to provide habitat for small mammals, amphibians
- 6.32 There are no public rights of way in close proximity to the application site, and the site is some distance from any third party dwelling, however consideration has been given to successfully ameliorate the proposal within the landscape. A landscape proposals plan forms part of the proposed development which through soft landscaping measures seeks to minimise any visual impact that the proposals might have. It is considered that the design and siting of the proposed buildings in combination with the landscape proposals further mitigates both the existing and proposed development and results in no substantial or significant new adverse landscape impact. Combined with the further significant ecological and biodiversity enhancements, the proposal satisfies CS policies LD1, LD2 and SD1 and the relevant landscape and ecological aims and objectives of the NPPF.
- 6.33 The comments of the Environmental Health Manager, who assessed the noise emitting sources and specification of the air conditioning units and blowers associated with the waste water treatment plant, are noted with regards to noise and on this basis it is considered there is no unacceptable impact to adjoining amenity. The distance to nearest third party dwellings is also noted and as such no adverse impact or concerns identified. It is noted the air conditioning unit will only run during working hours which are currently between 7:00am and 18:00pm Monday to Friday. As such the relevant criteria of CS policies RA6 and SD1 and the NPPF are satisfied.

Summary

- 6.34 The concerns of local residents are noted and appreciated. Further to this, Officers have required further assessments of the highway impacts of the business which has led to a number of mitigation and enhancement measures being proposed. It is a fact that without this application no such mitigation or enhancement would have been secured. Furthermore, conditions will ensure these measures are forthcoming and maintained. Given the nature of the application in terms of its scale, the existing lawful use and unregulated highway and movements, as detailed, there are no highway grounds to resist the proposal.
- 6.35 On the basis of this and all of the above, the proposal represents the small scale expansion and continued viability of a rural enterprise which makes a significant contribution to the local economy and the retention and offering of skilled jobs and employment. Combined with the ecological measures proposed and no impact upon designated heritage or landscape assets, the clear direction of local and national planning policies is that approval should be granted.

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

RECOMMENDATION

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

1. **A01 - Time limit for commencement (full permission)**
2. **B02 - Development in accordance with approved plans and materials**
3. **The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's report from Elizabeth Breakwell dated February 2015 and the enhancement plan dated April 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

4. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement any reasonable avoidance measures recommended to ensure there is no impact upon protected species by development of the buildings and clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

Reason: To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

5. **H09 - Driveway gradient**
6. **H13 - Access, turning area and parking**
7. **H17 - Highway improvement/off site works**
8. **H20 - Road completion in 2 years**
9. **H27 Parking for site operatives**
10. **H30 - Travel plans**
11. **Clarification of the orifice size required to restrict the flows from the proposed attenuation tank to 1l/s shall be provided to the Local Planning Authority prior to the installation of the drainage facilities for written approval and thereafter maintained as approved.**

Reason: To ensure the drainage arrangements are of an appropriate specification and to comply with Herefordshire Core Strategy policies SD3 and SD4.

12. **The buildings hereby approved shall be used for agricultural and B1 use only and**

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for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, to align with previous planning permissions on the site to which the development hereby approved relates and in the interest of local amenity and to comply with Policy SS1, LD1, RA6 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

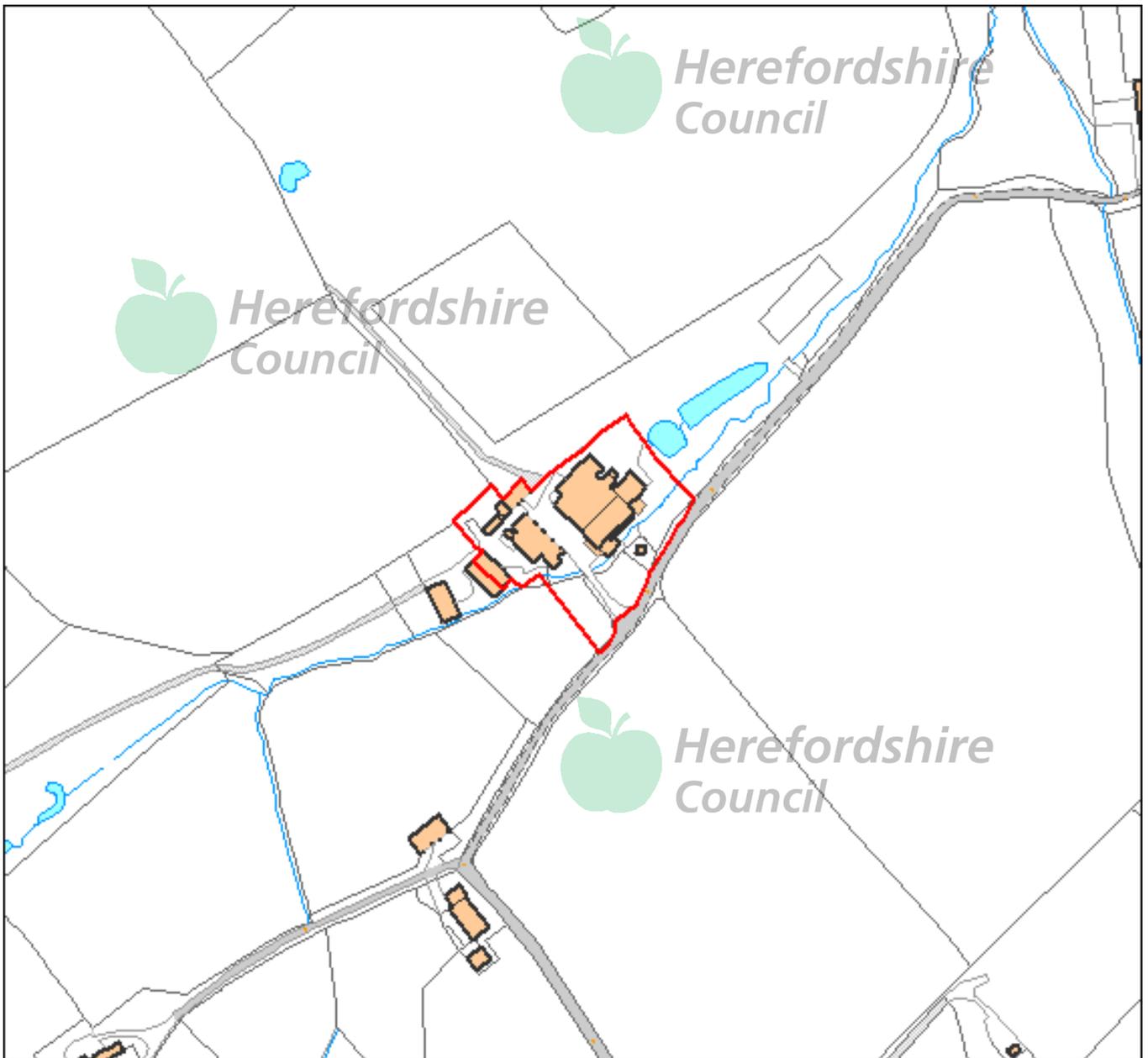
1. IP1 - Application approved without amendment
2. HN01 - Mud on highway
3. HN04 - Private apparatus within highway
4. HN05 - Works within the highway
5. HN10 - No drainage to discharge to highway
6. HN24 - Drainage other than via highway system
7. HN28 - Highways design guide and specification
8. HN16 - Sky glow
9. HN25 - Travel plans
10. HN07 - Section 278 agreement

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181523

SITE ADDRESS : CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UW

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