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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 27 September 2023 |
| TITLE OF REPORT: | <p>231864 PROPOSED CREATION OF A NEW PERMANENT ACCESS FOR AGRICULTURAL VEHICLES FROM WARREN LANE.</p> <p>LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HR9 7LW</p> <p>For: Ms Towler per Ms Hannah Towler, 25 Vyner Street, Cambridge Heath, London, E29DG</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231864 |
| Reason Application submitted to Committee – Redirection | |

Date Received: 15 June 2023

Ward: Penyard

Grid Ref: 366980,223163

Expiry Date: 16 August 2023

Local Member: Councillor Harry Bramer

1. Site Description and Proposal

- 1.1 The application relates to a 1.7 hectare parcel of land located within the Parish of Aston Ingham. The road found to the north west is lower than the field and is characterised by a well-established and dense hedgerow. Ground levels rise to the North East of the site. The site has no national nor local designations.
- 1.2 The site presently hosts an agricultural barn in the north-east corner which approved under P221376/F. The field itself does not have a direct access from the public highway but it can be accessed through other fields..
- 1.3 The proposal seeks to create a permanent access to the north-east of the site. The surfaced extent of the access would have a length of 19 metres and a width of 6 metres. The applicant has provided an indicative map (G111_103 B) showing that the visibility splays can provide up to 80 metres visibility in each direction. The new access would lie 15 metres to the north of the existing agricultural building approved under P221376/F. The proposal seeks to add an access gate at the end of the access track to provide additional security for the site. A plan is shown below.

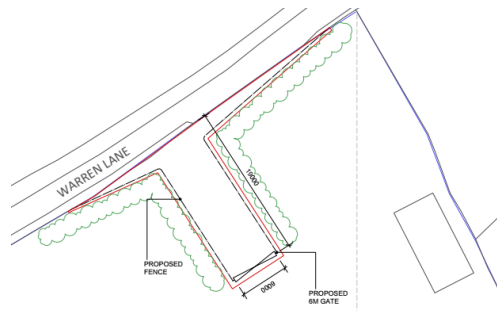


Figure 1: Access Track

2. Policies

2.1 Herefordshire Local Plan- Core Strategy

- Policy SS1- Presumption in favour of sustainable development
- Policy SS6- Environmental quality and local distinctiveness
- Policy RA6 – Rural Economy
- Policy MT1- Traffic Management, highway safety and promoting active travel
- Policy LD1- Landscape and townscape
- Policy LD2- Biodiversity and geodiversity
- Policy LD3- Green Infrastructure
- Policy SD1- Sustainable Design and energy efficiency
- Policy SD3- Sustainable water management and water resources

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/local-plan-1/local-plan-core-strategy>

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

2.2 Aston Ingham Neighbourhood Development Plan (Made 4 August 2023)

- Policy AS1: Landscape
- Policy AST2: Biodiversity
- Policy AST3: Building Design
- Policy AST11: Surface water and flood risk
- Policy AST13: Agricultural and forestry development

The Aston Ingham Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/5780/aston-ingham-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development

Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15- Conserving and enhancing the natural environment

2.4 The NPPF, together with all relevant documents and revision, are viewable at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

3. Planning History

3.1 **P221376/F-** A general-purpose agricultural building for storage of hay and other associated agricultural supplies and equipment. Storage for materials for occasional educational projects on the site. Retrospective. Approved with conditions

3.2 **P224300/F-** Proposed creation of a new permanent access for agricultural vehicles from Warren Lane. The field is currently accessed through an information access through a neighbour's field.- Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Consultees

4.2 Principal Natural Environment Officer (Ecology)

As agreed with Natural England where 'Full Householder' or other similar applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.

From information supplied and available to the LPA this 'exemption' would be applicable in respect of this current application and the River Wye SAC.

It is noted that no other reasonable means of access to the field is available and if subject to consideration under the Hedgerow Regulations 1997 rather than a planning application removal and creation of the necessary access would have been classed as 'exempt' under the Hedgerow Regulations.

It is noted that additional new hedgerow is proposed to be planted that could not be achieved or secured under the Hedgerow Regulations.

From supplied and available information there are no ecology comments or concerns in respect of the proposed development and the LPA has no reason to request an ecological assessment in respect of this specific application. There are known bat roosts in adjacent buildings and other nocturnal-light sensitive species present in the locality. The applicant and their contractors have their own legal duty of care towards wildlife protection; and an informative to remind them of their legal duty of care is suggested.

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

Further information on the subject of this report is available from Mr Joshua Evans

for special “protected species” such as all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

Hedgerow mitigation-compensation

Within one full planting season (twelve months) of the access hereby permitted being created evidence of the planting and protection of new hedgerow as shown on plan G111-1105 Rev A dated June 2023 shall be supplied for written approval by the planning authority. The completed hedgerow shall be hereafter managed and maintained as approved unless otherwise agreed in writing by the local authority.

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

Informative: new planting to include a minimum of seven woody, native hedgerow species plants per metre, in a double staggered row and protected from rabbits and grazing by appropriate protection. The new hedgerow will be kept free from competing ‘weeds and grasses’, mulched and as necessary watered for at least five years and any failures will be replaced ‘like for like’ within one planting season. Native species selection should be based on existing adjoining hedgerows.

4.3 Team Leader Area Engineer

The proposals seek to construct a new agricultural access to an existing field with the existing field access currently being via a neighbouring property.

The proposals demonstrate that with the translocation of hedgerow a visibility splay of 2.4 x 80 metres could be achievable onto Warren Lane. This is considered acceptable.

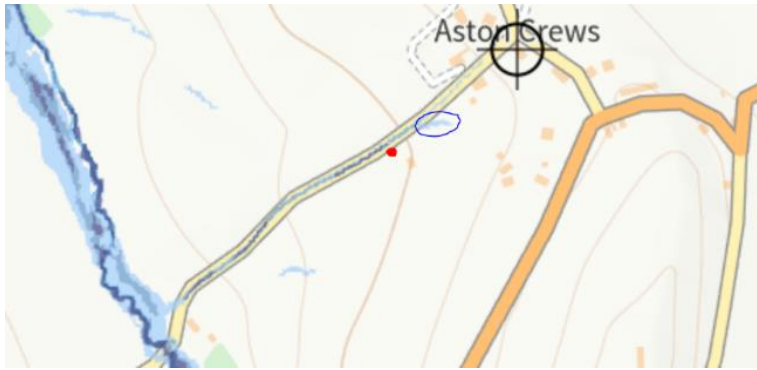
It is also demonstrated, through swept path analysis of a tractor and trailer, that turning manoeuvres will be achievable by agricultural vehicles.

Warren Lane is extremely constrained with regard to the width of the carriageway. However, it is considered that the provision of an access gate in the location would not have a material impact on the operation and / or safety of the lane. As such, the local highway authority have no objections to the development proposals subject to the following conditions.

4.4 Land Drainage (BBLP)

In principle, Land Drainage have no objections to the proposed access development on Warren Lane.

We have assessed the EA surface water flood map and can see that there is an existing surface water flow route on the lane and also from the field, onto the lane, to the east of the proposed development area (circled in blue).



We have completed a site visit and as the ground levels vary, it is difficult to determine further evidence which suggests there are surface water flow routes from the field onto the lane. Therefore we cannot see any reason why the proposals will worsen the existing situation.

If any surface water exceedance from the development site were to flow onto the highway, it would be the Applicants responsibility to ensure that the surface water drainage arrangements are amended to ensure all surface water runoff is captured and sufficiently managed so it does not enter the highway. The Applicant could consider the use of bunding if deemed necessary.

We would like to make the Applicant aware of an existing culverted watercourse which runs parallel to the lane and may be impacted by the proposed development. The Applicant will need to be mindful of cover levels and ensure the potential for damage is adequately mitigated against.

5. Representations

5.1 Aston Ingham Parish Council

The application states that vehicle access and parking to the new barn in the field (retrospective planning application P221376F) was not required for the functioning of the building, so we are wondering what has changed with regard to the use of that building and if so is it still in keeping with the planning previously granted?

With regard to the building, it was agreed as part of that planning that the roofing material would be changed as currently it is highly reflective and can be seen from miles away, this has not yet happened.

There is an existing problem with water runoff in Warren Lane due to its narrowness and gradient. There is a significant area of sloping tarmac to be put in place as part of the access, this will create further run off into the lane. We are also concerned about what is to happen to the surface water road drain that is in the position of where the new access splay will be. Have drainage engineers assessed the possible impact of the increase in run off into the lane and the drain in question?. Properties at the bottom of the hill have been affected by flooding in the past made worse by the nature of the sunken lane, and this is likely to be exacerbated by this access.

The planning application states that the lane is used primarily for agricultural vehicles. This is not the case as there are several homes and a holiday let on the lane that require frequent use by non-agricultural vehicles on a daily basis, and the lane is too small for anything larger than a medium sized tractor.

With regard to the Aston Ingham NDP which goes to Referendum on August 3rd, we would ask the planning department to take account of several of our policies in regard to this application;

Policy AST13: (1 and 6) Agricultural and forestry development which requires that planning permission should be able to demonstrate that they meet the following requirements:

1. the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable;
6. surface water is acceptably and appropriately managed through sustainable drainage, with no adverse impact on local watercourses in respect of water quality, flood risk, pollution or soil erosion.

We consider that the proposal will not meet criteria 1 or 6 as it stands. In addition we do not believe that Policy AST12 (2) Small Scale Employment can be met either, as it states that planning should;

2. demonstrate that the traffic generated can be safely accommodated on local roads without undue operational, safety or environmental consequences, including road widening or loss of hedgerows, and encourage walking and cycling.

Our AST11 policy regarding Flooding and Water Management states that 'Surface water and flood risk Development proposals should provide a surface water management strategy to accompany outline or full planning applications to demonstrate effective surface water drainage and the management of flood risk. In doing so, full use should be made of sustainable drainage systems. Designs should maximise the retention of surface water within the curtilage of the development site and minimise runoff. There should be no increase in runoff or flood risk affecting neighbouring land and property and wherever possible betterment should be achieved through a reduction in runoff rate and volumes'.

Finally, Aston Ingham would request most strongly that if permission should be granted that use of the access is restricted to agricultural use only.

5.2 Third Party representations

A total of 8 letters have been received from third parties. The concerns raised can be summarised as follows:

- Traffic Issues: Narrow Lane- Concern regarding traffic movements from site
- Loss of Hedgerows
- Impact upon landscape
- Concern over future development
- Not required: existing access provided.
- Impact to biodiversity
- Concern regarding flooding
- Gradient from field to highway network would be difficult to achieve.
- Concerns over spoil (soil removed from development)

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=231864

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 comprises the Herefordshire Local Plan – Core Strategy (CS) and the Aston Ingham Neighbourhood Development Plan (Aston Ingham NDP). The National Planning Policy Framework (NPPF) is a significant material consideration.

6.3 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.

- Ensure that the development is of a scale which would be commensurate with its location and setting;
- Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design, mass, noise, dust, lighting and smell,
- Do not generate traffic movement that cannot safely be accommodated within the local road network; and
- Do not undermine the achievement of water quality targets in accordance with policies SD3 and SD4.

Policy RA6 of the Core Strategy sets out to support the rural economy through supporting proposals that will help to diversify the rural economy and generate employment. This includes through “supporting and/or protecting the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses”.

6.4 It is considered that the principle of improved access and a new access track to serve an existing agricultural unit is broadly acceptable in principle and in line with policy RA6 of the Herefordshire Local Plan- Core Strategy.

Landscape and visual impact

6.5 Policy LD1 of the Herefordshire Local Plan- Core Strategy requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development.

6.6 Policy AST1 of the Aston Ingham Neighbourhood Development Plan states that the siting, scale, layout and design of development proposals should respect the surrounding landscape character. Schemes for new landscaping put forward as part of development proposals should be compatible with and serve to consolidate the established landscape character, and include details of arrangements for their maintenance and management.

6.7 Policy AST13 of the Aston Ingham Neighbourhood Development Plan states that any impacts on landscape character and visual amenity arising from the proposed siting, scale, design, colour and materials of development are acceptable, or can be satisfactorily mitigated by a landscaping scheme which is itself acceptable

6.8 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable 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.

- 6.9 Paragraph 130 (a) of the NPPF states that Planning policies and 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.
- 6.10 The proposal does not fall within any designated landscape. Furthermore the site which is shown below with a red star shows the two closest key views identified within the Aston Ingham Neighbourhood Development Plan (Policy AST1).

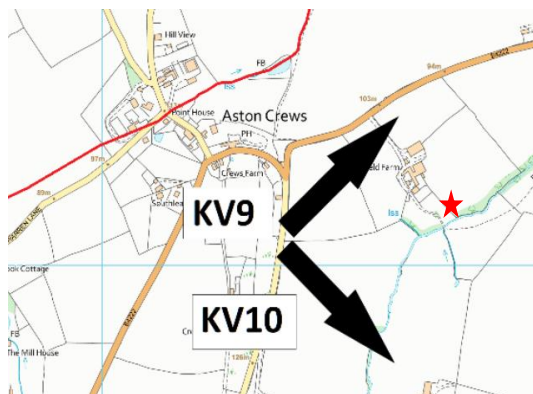


Figure 3: Extract from Aston Ingham NDP

- 6.11 It is not considered that the proposal would have an adverse impact upon these viewpoints or wider landscape. It is acknowledged that there will be a localised impact resulting from removal of 40 metres of hedgerow but it is advised that a significant length of the existing hedgerow along Warrens Lane would be retained. Officers maintain that the proposed access and hardstanding area represents a fairly limited agricultural development within an area of open countryside. Furthermore the proposal seeks to minimise the impact through the planting of additional hedgerow, further limiting the impact upon the wider landscape

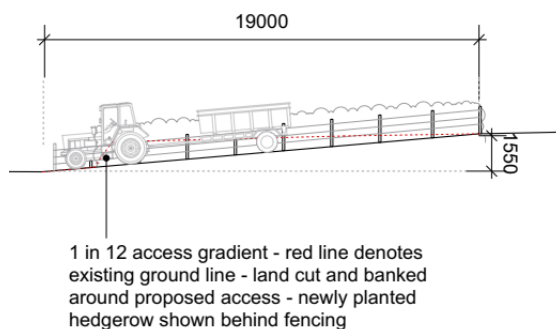


Figure 4: Proposed sections of Track

- 6.12 It is your officers view that the proposed materials are acceptable in this instance (Black/grey tarmac).

Impact upon Hedgerow and Biodiversity

- 6.13 Policy LD2 of the Herefordshire Local Plan- Core Strategy states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire
- 6.14 Policy LD3 of the Herefordshire Local Plan- Core Strategy states that development proposals should protect, manage and plan for the preservation of existing and delivery of new green

infrastructure. Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and integration with, and connection to, the surrounding green infrastructure network.

- 6.15 Policy SS6 of the Herefordshire Local Plan- Core Strategy states that development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape and biodiversity
- 6.16 Policy AST2 of the Aston Ingham Neighbourhood Development Plan states that development proposals should protect, conserve and enhance the biodiversity of the Neighbourhood Area. Proposals should contribute to a net gain for biodiversity by identifying and retaining existing green infrastructure within the development site such as trees, hedgerows and water features, and providing for enhancement wherever possible.
- 6.17 Policy AST11 states that development proposals should ensure biodiversity is conserved and enhanced.
- 6.18 Paragraph 174 of the National Planning Policy Framework states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient.
- 6.19 Paragraph 180 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..
- 6.20 The application seeks to remove 40 metres of hedgerow (drawing number G111_1105 A), but intend to plant approximately 62 metres of new hedgerow planting. It is acknowledged that the proposal would result in a temporary harm to the biodiversity assets of the ecological network, but when established allows for a net gain of habitats within the context of the site. Owing to the regulations associated with *Hedgerow Regulations 1997* it would not be appropriate for the Local Planning Authority to request a formal ecological appraisal in this instance. However the applicant are reminded of their legal duty to protect wildlife. This is in line with the internal ecologists recommendations.
- 6.21 Owing to the location and known bat roosts in adjacent buildings and other nocturnal-light sensitive species present in the locality within the open countryside the local planning authority deems it appropriate to restrict lighting and to seek biodiversity enhancement (net gain) within the site through the siting of 2 bird boxes and 4 bat boxes.

Impact upon Highway

- 6.22 Policy MT1 of the Herefordshire Local Plan- Core Strategy states that development proposals should incorporate the following principle requirements covering movement and transportation
- 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 to acceptable levels to reduce and mitigate any adverse impacts from the development
 -
 - ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space,

- 6.23 Policy AST3 states that development proposals should achieve a high quality of sustainable design by being safely accessible from the highway network without undue impacts on the character of the locality
- 6.24 Policy AST11 states that proposals for agricultural and forestry development requiring planning permission should be able to demonstrate that the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable.
- 6.25 Paragraph 111 of the National Planning Policy Framework states 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 impacts on the road network would be severe.
- 6.26 It is noted that Warrens Lane is an unclassified road (U70243) and that the site would only be accessed for the purposes of agriculture so the proposal would not result in any significant intensification of the use of this section of the local highway network. The applicants have supplied appropriate turning (G111_1102 B) and visibility requirements (G111_1103 B) and the Team Leader Area Engineer has not objected to the proposed scheme.

Water Resources and Flooding

- 6.27 Policy SD3 of the Herefordshire Local Plan- Core Strategy measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.28 Policy AST11 states that development proposals should provide a surface water management strategy to accompany outline or full planning applications to demonstrate effective surface water drainage and the management of flood risk.
- 6.29 Policy AST13 states that proposals for agricultural and forestry development requiring planning permission should ensure that surface water is acceptably and appropriately managed through sustainable drainage, with no adverse impact on local watercourses in respect of water quality, flood risk, pollution or soil erosion.
- 6.30 Paragraph 152 of the NPPF states that “the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change”.
- 6.31 Paragraph 159 states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 6.32 It is noted that the site falls within Flood Zone 1, as such in line with the National Planning Policy Framework there is no requirement to provide a flood risk assessment. Under *Annexe 3: Flood risk vulnerability classification* of the National Planning Policy Framework land and buildings used for the purposes of agriculture are classed as less vulnerable, as such no exception test is required for the development.
- 6.33 It is noted that the Land Drainage consultant has not objected to the proposal.

Residential Amenity

- 6.34 Policy SD1 of the Herefordshire Local Plan- Core Strategy states that development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should safeguard residential

amenity for existing and proposed residents and 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;

- 6.35 Policy AST3 states that development should avoid creating unacceptable impacts on the amenity of neighbouring property including as a result of the volume and nature of traffic generated, noise, dust or odour.
- 6.36 Policy AST13 states that there will be no undue loss of amenity to the occupiers of residential properties, including by way of external lighting, the design and siting of any building or installation, traffic, or noise and air pollution including odour.
- 6.37 Paragraph 130 of the National Planning Policy Framework states that Planning policies and decisions should ensure that developments 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
- 6.38 It is noted that the proposed access lies over 100 metres from the nearest dwelling. There is not considered to be any significant increased use of the site resulting from the proposed access that would result in adverse impact.

Other matters

- 6.39 In response to concerns raised in relation to previous commitments suggesting that there was no need for an access of Warrens Lane, it is advised that this in itself should not influence the determination of this application. This application should be judged on its merits and in the light of relevant Development Plan policies. As submitted the considered to be justified and in accordance with policy.

Conclusion

- 6.40 When the proposal is assessed against the development plan, it is considered to be compliant. It is therefore concluded that the proposal should be recommended for approval.

RECOMMENDATION

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **The development hereby approved shall be carried out strictly in accordance with the approved plans [(drawing nos.] and the schedule of materials indicated thereon.**
Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies AST1, AST3, and AST13 of the Aston Ingham Neighbourhood Development Plan and the National Planning Policy Framework.
- 3 **Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6**

metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 80 metres in each direction. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

- 4 Within one full planting season (twelve months) of the access hereby permitted being created evidence of the planting and protection of new hedgerow as shown on plan G111-1105 Rev A dated June 2023 shall be supplied for written approval by the planning authority. The completed hedgerow shall be hereafter managed and maintained as approved unless otherwise agreed in writing by the local authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006), Policy AST2 of the Aston Ingham Neighbourhood Development Plan, and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 5 All planting, seeding or turf laying in the approved landscaping scheme (G111_1105 A) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

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

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

- 6 Any new access gates shall be set back 10 metres from the adjoining carriageway edge and shall be made to open inwards only.

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.

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

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

- 8 At no time shall any external lighting be installed on the site without the written approval of this local planning authority.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Policy AST2 of the Aston Ingham Neighbourhood Development Plan, Herefordshire Local Plan - Core

Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 9 Prior to first occupation the applicant shall install within the site boundary of at least 2 bird nesting boxes for a site appropriate range of bird species 4 Bat roosting features. These shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy AST2 of the Aston Ingham Neighbourhood Development Plan.

INFORMATIVES:

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

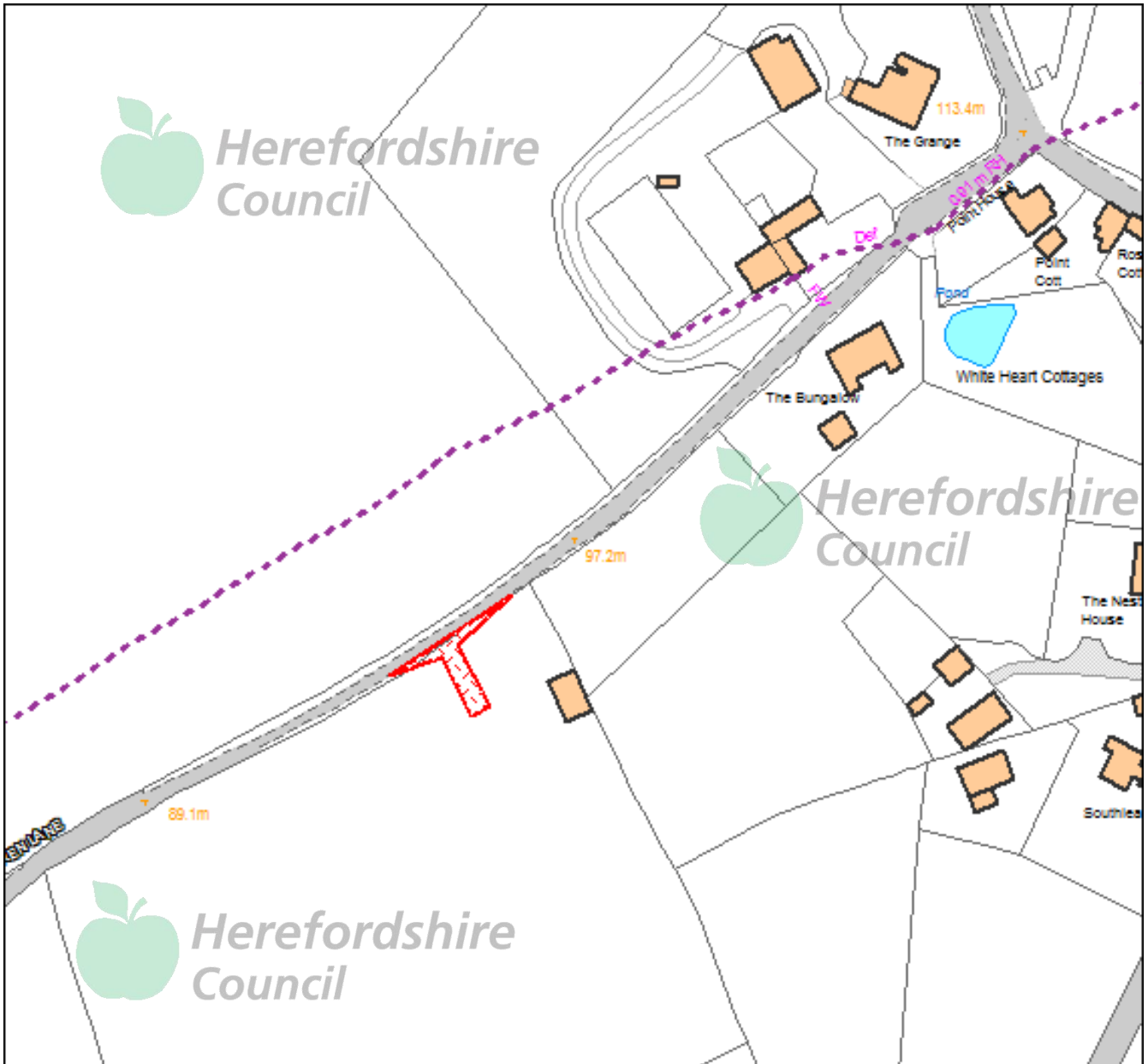
Decision:

Notes:

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Background Papers

None identified.



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Further information on the subject of this report is available from Mr Joshua Evans

APPLICATION NO: 231864

SITE ADDRESS : LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7LW

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