

Agenda

Planning and regulatory committee

Date: **Tuesday 15 May 2018**

Time: **10.00 am**

Place: **The Council Chamber - The Shire Hall, St. Peter's
Square, Hereford, HR1 2HX**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor J Hardwick
	Councillor BA Baker
	Councillor CR Butler
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor EL Holton
	Councillor TM James
	Councillor JLV Kenyon
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor SD Williams

Agenda

		Pages
GUIDE TO THE COMMITTEE		
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 any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES (TO FOLLOW) To approve and sign the minutes of the meeting held on 11 April 2018.	
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	174528 - ST JAMES'S CHURCH CASTLE STREET WIGMORE LEOMINSTER HEREFORDSHIRE HR6 9UD Proposed single storey extensions to North Chapel and to north side of tower to replace existing Plant Room, disabled drop-off parking bay and lift enclosure on north-west side of church and glazing of south porch to create draught lobby. Interior alterations to create multi- use venue. Change of Use from D1 class only to D1, A3 and D2 uses.	9 - 44
7.	173385 - LAND AT NEWCASTLE FARM ORCOP HEREFORDSHIRE HR2 8SF Proposed residential development of 3 dwellings.	45 - 74
8.	172345 AND 173946 - MALVERN VIEW COUNTRY ESTATE WOODEND LANE STANFORD BISHOP WORCESTER (172345) Change of use of land for the siting of up to 95 no. caravans, and a change of use, and comprehensive redevelopment of the existing farmyard buildings and associated agricultural barns to provide additional facilities including indoor pool, gymnasium, spa, owners lounge, office area, play barn, children's entertainment area; and. (173946) Re-development of the existing farmyard buildings and associated agricultural barns to provide additional facilities including indoor pool, gymnasium, spa, owners lounge, office area, play barn, children's entertainment area and petting farm.	75 - 104
9.	DATE OF NEXT MEETING Date of next site inspection – 5 June 2018 Date of next meeting – 6 June 2018	

The Public's Rights to Information and Attendance at Meetings

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 a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, 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.

Public Transport Links

- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

RECORDING OF THIS MEETING

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.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

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 PGH Cutter (Chairman)	Conservative
Councillor J Hardwick (Vice-Chairman)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Conservative
Councillor TM James	Liberal Democrat
Councillor JLV Kenyon	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

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 assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, 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 assistant director environment and place 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?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

Public Speaking

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 chairman'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
- 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 chairman 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.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 MAY 2018
TITLE OF REPORT:	<p>174528 - PROPOSED SINGLE STOREY EXTENSIONS TO NORTH CHAPEL AND TO NORTH SIDE OF TOWER TO REPLACE EXISTING PLANT ROOM, DISABLED DROP-OFF PARKING BAY AND LIFT ENCLOSURE ON NORTH-WEST SIDE OF CHURCH AND GLAZING OF SOUTH PORCH TO CREATE DRAUGHT LOBBY. INTERIOR ALTERATIONS TO CREATE MULTI-USE VENUE. CHANGE OF USE FROM D1 CLASS ONLY TO D1, A3 AND D2 USES AT ST JAMESS CHURCH, CASTLE STREET, WIGMORE, LEOMINSTER, HR6 9UD</p> <p>For: Mr Casbourne per Mr Matthew Hollingsworth, 4 Haycroft Road, Sherborne, Cheltenham, GL54 3DY</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174528&search=174528
Reason Application submitted to Committee – Redirection	

Date Received: 1 December 2017 **Ward: Mortimer** **Grid Ref: 341291,269088**
Expiry Date: 31 March 2018
Local Member: Councillor CA Gandy

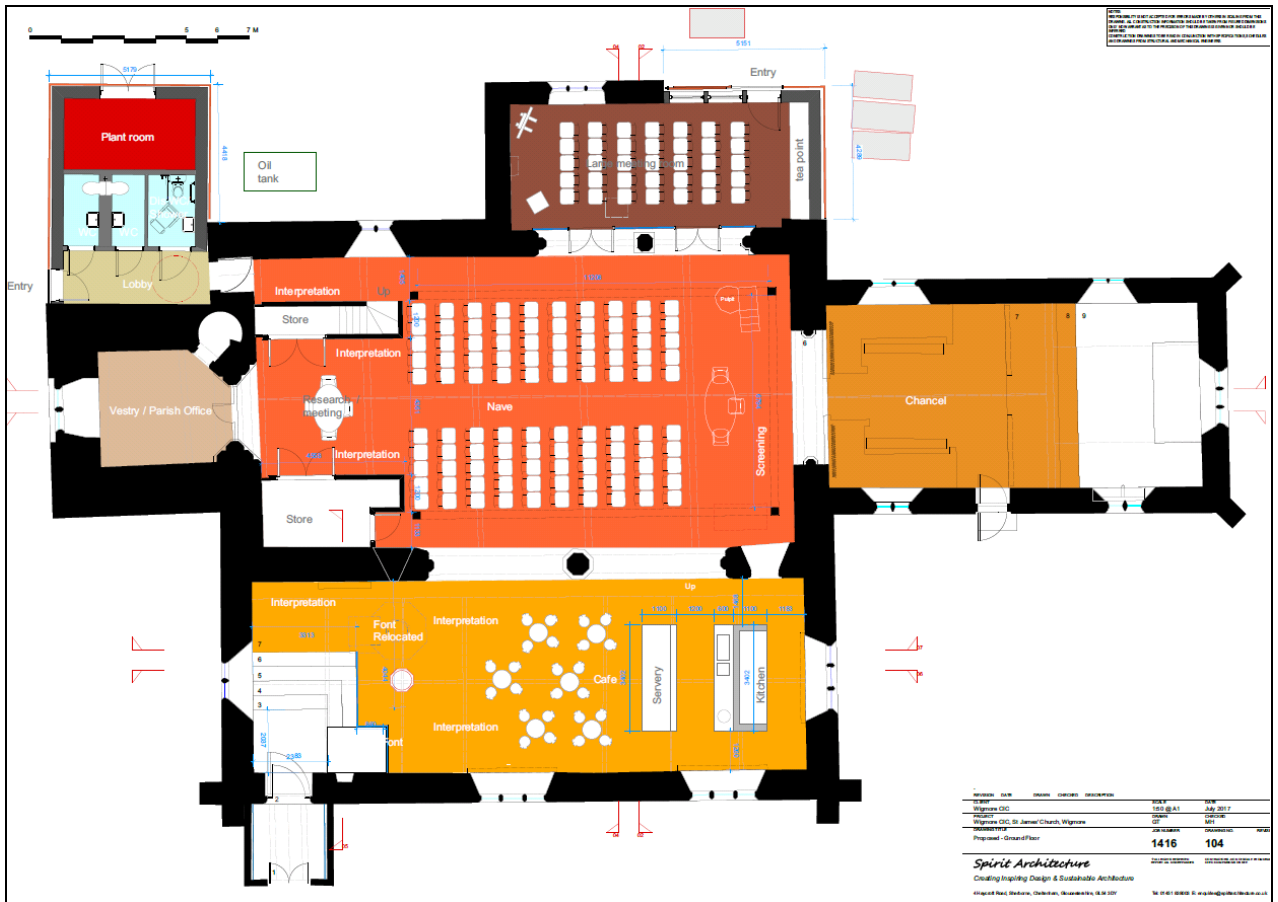
1. Site Description and Proposal

- 1.1 St James' Church is a Grade I Listed church that lies in an elevated hillside position to the north-west of the village of Wigmore, within the Wigmore Conservation Area. To its south lies Castle Street that is an adopted road serving a number of residential properties. Access to the Church is via either Castle Street (U92020) and then School Lane (a private road that is also a PROW) or from Church Street to its east.
- 1.2 The overall site included within the application is the Church, churchyard area immediately surrounding the building to the boundary walls and the area of land to the north and north west of the building which falls away sharply through the trees to the A4110 below. The area has a public right of way through it to the road.
- 1.3 The Church is visually prominent in the wider area and landscape due to its elevated position, raised above the surrounding houses. The site also has a number of trees of significance, some of which have Tree Preservation Orders on them and a tree survey supports the application.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 1.4 The application that seeks planning permission for the change of use of the building and associated works is supported by a significant amount of information contained within the Historic Impact and Supporting Statement
- <https://myaccount.herefordshire.gov.uk/documents?id=405a819a-f5fc-11e7-8cb0-0050569f00ad>
- 1.5 As it stands the Church now has “Festival Church” status, which means that there are due to be only 4 services a year alongside weddings and funerals, and while the church wardens currently keep the church open during the day, this may not be possible long term. The submission advises that it is possible that the church will have to remain shut for long periods in its current form and use. The church currently has no basic facilities – no running water and hence no toilets or kitchen, an antiquated electricity supply, a defunct heating system, neglected and poor pathways, very slippery and muddy in wet weather and access for people with mobility problems is very difficult if not impossible. The lack of facilities makes it very difficult to run any fund-raising events and those that are possible barely provide sufficient donations to pay even the basic bills like insurance and electricity. The applicants advise that the church will close in the foreseeable future unless this project is undertaken.
- 1.6 It is intended that the project will re-order the church to make it an Interpretive and Heritage Centre for Wigmore, its castle and the surrounding area and return the nave to its original use as a busy community space. The project will improve access, replace inadequate lighting and heating, connect to mains water and drainage, create flexible exhibition, heritage, private study and refreshment spaces and install state of the art audio-visual facilities, thereby finding a contemporary role for the building. The aim is that in putting it to a commercial and financially sustainable use it will not only help safeguard the building but offer a unique community space and visitor facility for many years to come.
- 1.7 The “Wigmore centre” will be run by the Wigmore Centre Community Interest Company (CIC), which is a “not for profit” organisation that will “lease” the church facility on a long term lease to allow it to run the wide programme of proposed events. The scheme, which is part of a Heritage Lottery Fund grant application to fund the project, has been created by a volunteer-based team of Wigmore residents to run and host events for the local and wider community as well as providing a café facility for residents and visitors to the Church and Castle sites along with interpretation exhibitions on the local history of the church and the village of Wigmore.
- 1.8 The current use of St James’ Church falls under the D1 category “Non-residential Institutions” which includes “Places of Worship”. This use class would also cover some of the other activities proposed under descriptions such as: “Art Gallery” and; “Non-residential education and training centre.” In addition to this Use Class the building will be used for Class D2 Activities such as: “Music and Concert Hall” Alongside this, the proposals include a café facility which would fall under the A3 “Restaurants and Cafés” category which will be open on a daily basis.
- 1.9 The proposed primary use of the facility will be to offer “live” Theatre, Opera, Ballet and other events via Satellite streaming linked to National facilities, these forms of live streaming occur in large cinemas, but not in regional areas in this part of Herefordshire so this will greatly improve the offering to the local community. The application advises that one sizeable event is to be scheduled per week with the maximum capacity of the venue being 120 people: - however event organisers expect the typical number of attendees to be around 70, attracting both local residents and those from further afield.
- 1.10 In addition there will be live music recitals, spoken word performances and talks held in the facility on a regular basis. It is proposed that the facility will work alongside the Wigmore School to provide educational links to the school and wider community by providing research areas and record the history of the village, and the wider community. Meeting rooms will be hired for local and wider usage to allow larger community groups to meet and use the facility.

- 1.11 Works to places of worship in use by one of the exempt religious denominations are exempt from the requirement for listed building and planning permission for relevant demolition in a conservation area but are not exempt from the requirements for planning permission. Where the exemption applies the practical effect is that listed building consent is not required for the alteration or extension of a listed ecclesiastical building. These matters are considered by the Diocesan Advisory Committee (DAC) who consult with the appropriate amenity bodies and interested parties much like the application process for planning permission.
- 1.12 Whilst internal works are not being considered by the Local Planning Authority, the proposed ground floor plans are inserted below to assist understanding of the uses and proposals and to aid understand of the siting of the extensions to the Church that are explored further below.



1.13 The key areas considered by this application are described in more detail below:

1.14 South Aisle

This area is a continuation of the floor level of the Nave and increased towards the south porch and new steps up into the church level with a balustrade. The south aisle will then house the café area, kitchen facility and interpretation display areas. The application is supported by images of how these may appear internally.

1.15 Provision of Toilet accommodation

The toilets (including disabled accommodation) are accommodated within a new extension, which replaces the existing plantroom and oil tank to the north west of the building. This structure would be constructed in lightweight construction with Corten steel cladding and would also house a new plant room.

An image of the proposed extension supplied in the Heritage report is inserted below:

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781



1.16 North Chapel: Re-instatement of the North Chapel East section to provide a multi-purpose meeting room

This area will be a continuation of the floor level of the Nave with the current timber deck step removed. This area would provide a 40 seat meeting room area, increasing the current chapel in the form of an extension to the north elevation of the church. This extension, constructed of Corten Steel, is located within the footprint of an historic structure that was recorded on the site. The existing arch would be reopened to allow a physical connection to the new extension. In association with this it would be necessary to remove the infill side wall of the North Chapel to reconnect the spaces to enable the original footprint of the North Chapel to be re-formed.

An image of the proposed extension supplied in the Heritage report is inserted below:



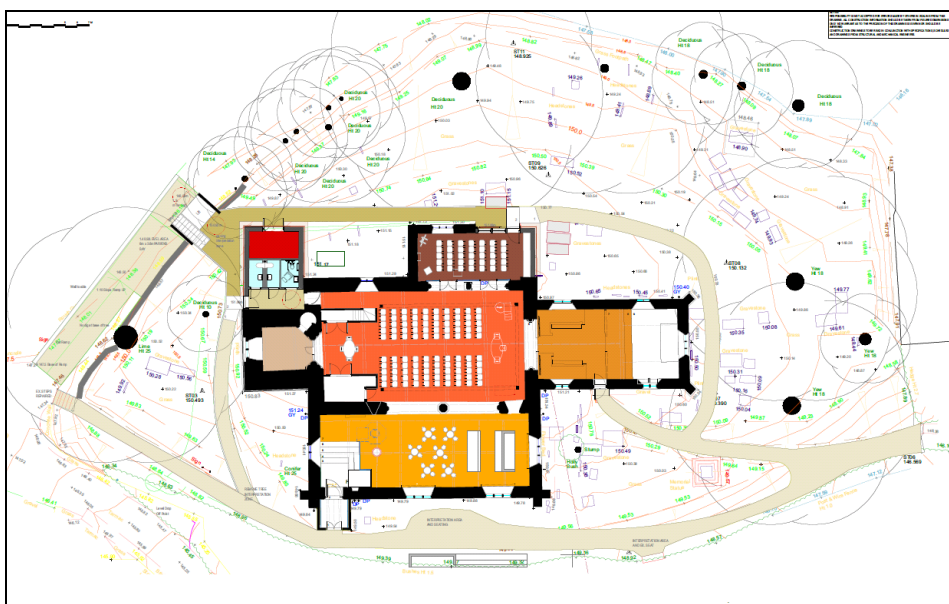
1.17 External Access

At present there is no parking at the site that can be considered DDA compliant. The proposal includes the formation of a level disabled drop-off parking bay (6mx3.6m overall) to the north west of the church accessed from School Lane. This will require a concrete supporting structure to be formed into the bank to the north-west and the footpath route altered to accommodate the parking bay. A lift and stair access, again in Coreten Steel is proposed at the end of the parking area to provide level access to the north side of the church round to the North meeting room and door by the Plant Room WCs.

An image of the proposed lift access, with the proposed extension for the toilet accommodation also detailed, when viewed from School Lane, has been supplied in the Heritage report and is inserted below:



The existing pathway from the East is sub-standard and as such should be improved to create a steady gradient with shallow steps; this will be extended to the Chancel door on the south side. This pathway will not be DDA compliant. The East access path will also be linked to the North side Café area. The site plan is inserted below for ease of reference.



1.18 Following responses received to initial consultation, some additional information was submitted, addressing matters of detail and also in relation to queries in respect of parking. The initial

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

traffic report considers the issue and proposes that parking be provided at Wigmore School and the village Hall. Further information was provided, including letters from both the School and village hall in respect of the agreement to the strategy. The matter is explored further in the officer's appraisal.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA5	-	Re-use of Rural Buildings
RA6	-	Rural Economy
SC1	-	Social and Community Facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E4	-	Tourism
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

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

2.2 National Planning Policy Framework

In particular chapters:

Introduction - Achieving sustainable development

Section 1	-	Building a strong competitive economy
Section 3	-	Supporting a prosperous
Section 4	-	Promoting sustainable communities
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment
Section 12	-	Conserving and enhancing the historic environment

2.3 National Planning Practice Guidance

2.4 Wigmore Neighbourhood Development Plan has completed its Regulation 14 consultation and the Parish Council are considering the responses before progressing to Regulation 16. At this time the NDP has limited weight in the decision making process,

https://www.herefordshire.gov.uk/directory_record/3121/wigmore_group_neighbourhood_development_plan

3. Planning History

- 3.1 No Planning Applications of relevance are recorded on the site although there have been some applications for works to trees.

4. Consultation Summary

Statutory Consultations

4.1 **Historic England: Objection comment 17th January 2018**

Summary

St James is a Grade I listed building in the Wigmore Conservation Area. The adaptation of the building to create the Wigmore Centre whilst retaining its use as a place of worship is an ambitious proposal involving extension, alteration and access works that impact on the significance of the listed building in terms of its interior, exterior and setting. Historic England does not object to the principle of adapting the church to create a multi-use venue including the creation of extensions. However, the lack of detailed information and concerns regarding the design and appearance of the access arrangements and extensions and their impact on the significance of the listed building mean that we are unable to support the application in its current form.

Historic England Advice

St James is a Grade I listed building in the Wigmore Conservation Area. The significance of the building rests in its evidential, historical and communal values with its aesthetic value being more fortuitous than designed. The history of alteration culminating in the Bodley restoration of 1868 means that the interior is a relatively unadorned, simple space which is less outstanding in its appearance than the exterior with its herring-bone masonry and commanding position in the town.

The adaptation of the building to create the Wigmore Centre whilst retaining its use as a place of worship is an ambitious proposal involving extension, alteration and access works that impact on the significance of the listed building in terms of its interior, exterior and setting.

Section 3 of the NPPF relating to the importance of retaining and developing local services in rural areas including meeting places and places of worship, and Section 8 which deals with promoting healthy communities by ensuring that established facilities are able to develop and modernise are both relevant to the application. Section 7 requiring good design is particularly relevant given the architectural aspirations of the proposal and the heritage sensitivity of the building and site.

The requirements of these sections are implicit in paragraphs 131 and 137 of Section 12 which require planning applications to sustain and enhance the significance of heritage assets while putting them to a viable use that contributes to the sustainability of communities and making a positive contribution to local character and distinctiveness. Paragraphs 132 and 134 are clear that, as a Grade I listed building the conservation of St James should be given great weight and that any harm to significance resulting from alteration or loss requires a clear and convincing justification including public benefit.

In this case Historic England provided pre-application advice on draft proposals which was supportive of the principle of broadening the use of the church to achieve a sustainable future and appreciative of the real challenges faced in achieving this. We welcomed the approach that introduced contemporary design in the historic context but advised that design details are critical to delivering this whilst avoiding harm to significance. We therefore recommended that detailed drawings were produced for the extensions and the new work within the church. In assessing the impact of the submitted proposals we are therefore disappointed that more

detailed drawings have not been submitted. In their absence we cannot be confident that the impact of the works is not unjustifiably harmful or that modifications to the proposals might not result in a scheme which conserved the significance of the building to a greater degree. Thus, while we do not object to the principle of adapting the church to create a multi-use venue including the creation of extensions, we are not able to support the application in its current form.

Particular areas of concern are as follows:

The proposed external elevations are presented in a diagrammatic form that does not convey the appearance of the historic church, the proposed extensions or the relationship of the building to local ground levels. These fall away from the church on the north side suggesting that substantial plinth courses will be required for the extensions which are not shown. In the absence of more detailed information Historic England does not therefore have confidence that the impact of the proposals is without harm.

The proposed internal plans, elevations and illustrative images are also presented in diagrammatic form. It is difficult to tell what material finish is proposed for the gantry structure, how its construction will be reflected in its appearance, why its horizontal rail needs to be the depth that is proposed, what structure will support the drop-down screen in front of the chancel arch, how this will appear relative to the chancel arch when in the retracted position, how the vertical members support the balcony at the west end and are linked to its floor structure and balustrade and whether the vertical members are entirely free-standing or are supported in any way by connection to historic fabric. Historic England has similar concerns and questions in respect of the construction, materials and appearance of the stores below the balcony, the servery, kitchen and glazed balustrade (and platform lift?) in the south aisle, the tea point in the north chapel, the curtains to the chancel and glazing and doors to the south porch. This information is important in justifying the impact of the proposals on significance.

The impact of the new vehicular disabled access is impossible to assess without sections through the site from the church to the boundary including ground levels of the footpaths and the neighbouring bungalow which demonstrate the impact of the proposed earthworks on the character of the historically important eminence on which the church sits. The information provided suggests that the platform lift and steps will form an intrusive visual feature in the setting of the listed building that will have a negative impact on significance. Without information on the materials and construction of the new access road and paths in the churchyard and sections elevations and materials for the new retaining wall, platform lift, steps and railings it is not possible to be confident that the impact on significance is acceptable and without harm.

In addition to the general concerns raised regarding the external elevations we are concerned that the extension to the north elevation of the tower will appear as an intrusive contemporary structure that has a negative impact on the aesthetic and historical value of the listed building in its setting. The drawings lack details (sheet sizes, door design, drainage, roof structure, junction with historic fabric) that are critical to understanding the architectural quality of the proposed Coreten box. We are concerned that the dimensions of the extension and its relationship to ground levels as it extends northwards will create a structure that fails to enhance either the designed or fortuitous aesthetic quality of the listed building. In the absence of the detailed design work needed to convey the success of this design we question whether a less ambitious design concept might not conserve the significance of the listed building to a greater degree.

We have similar concerns regarding the extension of the north chapel. The drawings do not illustrate the appearance or materials of the roof, the foliage design of the Coreten steel, visual impact of necessary rainwater goods and location of the threshold relative to external ground levels. The submitted drawings do not convince us that the high quality of design required to

conserve the significance of the listed building has been achieved. We would question whether significance would not be better conserved by a less ambitious proposal that extended the existing chapel roof in its current tiled form with traditional drainage while using a contemporary approach below eaves. It is clear from the archaeological report submitted that the foundations of the historic chapel survive below ground, additional information is required to demonstrate that these are conserved.

The construction of a glazed lobby in the south porch is indicated only by lines on the proposed floor plans with no construction details or allowance for existing bench seating. In our pre-application advice Historic England considered that glazing here was worth exploring as we regarded the cumulative impact of a lobby and meeting room pod in the south aisle as harmful to significance. The latter has been omitted from the submitted scheme and the proposal drawings do not provide confidence that the latter will conserve the significance of the listed building. We therefore query whether, given the glazing proposed for the balustrade in the south aisle, an internal lobby would not more effectively conserve significance.

The existing floor finishes are a particularly attractive feature of the church interior and contribute much to its aesthetic quality and a considerable amount to the evidential and historical value derived from Bodley's phase of restoration. While Historic England does not object to the principle of raising floor levels to achieve level access, we consider that relaying the existing materials in their existing pattern at the new level would better conserve significance and the individual character of the south aisle and nave. The proposals refer to the re-use of some of the materials but no detail of the laying pattern is provided, nor is there information regarding the proposed floor finishes in the existing and extended north chapel. This information is needed in order to evaluate the impact of the proposed changes.

Finally we are concerned that in our experience storage is a critical ingredient to the success of a flexible multi-use venue. The proposal requires large numbers of chairs and the need for other furniture and equipment may develop over time. In the context of an ambitious architectural vision for the interior in which the quality of spaces is an important element of significance, the very limited storage accommodation currently proposed is a concern in terms of sustainability.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, we consider that the issues outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 131, 132, 137 and Section 7 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

4.2 **Historic England: Amended comments 5th March 2018: Objection maintained**

As stated in our letter of 17 January 2018, Historic England does not object to the principle of adapting St James Church to accommodate additional uses. We welcome the provision of further information regarding the design of the extensions but consider that the application still lacks sufficient information regarding access arrangements. We remain concerned that the amount and design of the proposed alterations and extensions results in harm and does not meet the requirements of the NPPF to conserve and better reveal the significance of this Grade I listed building.

Historic England Advice

Our letter of 17 January 2018 advised that Historic England did not object to the principle of adapting St James Church to create a multi-use venue but that we were unable to support the application in its current form due to the following concerns:

1. The lack of detailed information
2. The design and appearance of access arrangements and extensions and their impact on significance

You have consulted us on the more detailed information that has been provided regarding the vehicular access arrangements, the plant room extension the north chapel extension and the glazing of the south porch. The applicant has suggested that the internal alterations are a matter for faculty jurisdiction rather than planning permission, our comments regarding these have not therefore been addressed. On this basis we remain concerned that internal elements of the scheme that are critical to the change of use will have an unjustifiably negative impact on significance.

In respect of the additional information provided on the vehicular and pedestrian access, platform lift and steps, we remain concerned that the access will form an intrusive visual feature resulting in harm to the significance of the church and we are unable to support this element of the proposals.

The provision of additional information on the plant room extension is welcomed. The arrangement of Coreten panels has been clarified though we remain unclear about the detail with the concealed gutter and regret that the boiler flue punctures the east wall. We note that at its northwest corner the floor level of the extension is about 0.8m above natural ground level necessitating a raised path supported on Gabian baskets with an unspecified handrail. Where the floor level is closer to the ground level (on the eastern side) a washed gravel dressing retained by an oak plinth is proposed. In our view, the result is an extension which appears isolated from the ground and contrasts awkwardly and unproductively with the natural junction made by the historic building with the ground. The sections suggest considerable excavation for foundations and potential archaeological impact. We remain concerned that this extension will have a negative impact on the significance of the listed building by virtue of its size, proportion and design.

We welcome the additional information regarding the extension to the north chapel which allows a fuller understanding of the appearance of the building, particularly the roof and its junction with the walls. However, we are not convinced that taken together with the plant room extension, the design preserves and enhances the listed building. As stated in our letter of 17 January 2018, we consider that a less ambitious and perhaps softer design could conserve significance to a greater degree.

We welcome the additional information on the glazing to the south porch which has addressed our concerns regarding the fixings required and the impact on the appearance of this part of the church. We remain concerned however, that the relationship of the existing timber south door to its stonework surround will not physically allow the introduction of a useable glass door. The loss of the timber door would harm the significance of the building, this element of the scheme therefore needs further clarification before a decision should be made.

To conclude, Historic England remains concerned that the amount and design of the proposed alterations and extensions does not meet the requirements of paragraph 131 and 137 of the NPPF requiring new development to make a positive contribution to local character and distinctiveness and better reveal significance, or that the harm we have identified has been justified in accordance with paragraph 132. On this basis we remain unable to support the application.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

4.3 Georgian Group: No comment

Thank you for consulting with The Georgian Group in regards to the above application. The date of the listed building falls outside of our remit, we kindly defer to other amenity societies,

4.4 Society for the Preservation of Ancient Buildings: 25th January 2018: Objection

We have already commented on a previous iteration of this scheme under the Ecclesiastical Exemption. While the impact of the scheme has subsequently been reduced by the omission of certain elements, we remain very concerned about what is being proposed for this grade I listed building.

In general terms, the society is sympathetic to the desire to upgrade the facilities and improve accessibility to the historic church and churchyard. The challenges of up-keeping a large church building, with a relatively small congregation are fully appreciated. In principle, therefore, we would wish support improvements to the accessibility to the site, including the provision of a sympathetically designed extension to the northwest of the church, to include WC provision. Similarly, we would not object, in principal, to the reinstatement of the easternmost bay of the north aisle (extant in the mid-19th Century), with the proviso that it is sensitive to the principle listed building in terms of its design and detailing. However, on the basis of the information provided, we do not feel that a balance between proposed use and heritage impact has yet been achieved. While we are not opposed to the use of modern materials, to differentiate new work from old, we would question whether the bold design statement made by the introduction of Corten is the most appropriate response to this location. In our view, a material pallet which focuses on reducing the visual impact of the intervention would be more acceptable.

The volume of the western extension is also a cause for concern, being flush with the West face of the tower and greater in width than it. Consideration should be given to reducing the overall footprint and addressing the relationship between the two structures, so the new addition is set back slightly, and reads as subordinate to the historic structure.

We accept the need for a disabled access lift, and agree that the proposed location is the most suitable. However the present design reads as large rectangular steel block, which jars with the rural landscape setting and detracts from views of the church beyond. Consideration should be given to how the visual impact can be mitigated. This might involve increasing visual permeability and/or the use of traditional materials to screen the structure, so that it blends more effectively into its rural setting.

Overall, we are extremely concerned that the Heritage Impact Statement suggests that this Grade I listed building is not, architecturally, of national importance. The fundamental lack of sensitivity to the exceptional heritage interest of this site means that no attempt has been made to systematically understand the significance or to assess and address the potential impacts that will result from this proposal.

The suggestion that the project is acceptable because it will result in 'less than substantial harm', is far from reassuring and indicative of an entire lack of appreciation for what makes this building important. The present submission introduces a number of substantial

architectural elements, which will dramatically alter the character and appearance of the interior, but there is no constructional or drainage information, nor detail about materials, finishes etc. At present, this remains a scheme which falls some way short of the approach required to meet the objective of preserving and enhancing the special interest of this building and its rural surroundings.

4.5 **Ancient Monuments Society: 26th January 2018 Objection**

We particularly wish to commend the observations of Historic England and SPAB in this case.

The scheme has the excitement of the bold but we very strongly share the view that the business case does need to be unequivocally established before such extensive, intrusive work at a Grade 1 listed building can be countenanced. If the pews and other contents are cleared, the character of the interior compromised and large extensions constructed and then the project fails, we have the worst of all worlds – visual compromise without a guaranteed future for the building.

Herefordshire has shown the way with dramatic schemes which offer possible, indeed innovative, ways forward, in giving new life to ancient parish churches. The examples at All Saints, Hereford, Peterchurch and Yarpole stand out.

The occasional audacious approach should be encouraged but it must be critically assessed, perhaps more so than the more traditional scheme precisely because it is less conformist and therefore less obviously contextual in visual terms.

Is Corten Steel really appropriate ? This is a hard-edged “urban” material, in dramatic contrast with the softer masonry of the present building. As it is a very exact material how will junctions be achieved with an ancient building which does not have exact edging with a history, like all such ancient buildings, of slight seasonal movement ? Corten Steel originated as the “pre-rusted” load-bearing shells for office blocks – it is an extraordinarily hard material and again we do ask what guarantees are being offered on its performance in juxtaposition with traditional construction, and just as important as the material is the location. St James, Wigmore is noted for the survival of Anglo-Saxon masonry. We are unclear from the documentation supplied just how the extension will impact on it.

The photo-montages show an interior with modern seating and gantry lighting of theatrical standard, a new shiny floor and a substantial new western gallery – the best schemes combine sensitive upgrading with the retention of historic character. This example does not achieve that balance by aiming for function over character.

This scheme is dependent upon HLF money. It is vital that it is an exemplar of good practice and I’m afraid that we are not persuaded that it will be.

4.6 **Victorian Society: Objection**

Thank you for notifying the Victorian Society of this proposal. I write now to register our objections and recommend that the application is refused consent. In addition to offering the following comments I attach a copy of our recent advice to the Hereford DAC in response to the proposed adaptation of the historic building.

The plans have been developed and amended somewhat since we last commented on them. We welcome, for instance, the omission of the substantial pod and mezzanine from the south aisle, which would have had a serious impact on the church interior, and for which no serious case for had ever been made. *(please note that these have not been removed from this planning application submission)*

However, the concerns expressed in my letter to the DAC - particularly so far as they pertain to the scheme's impact on the building's nineteenth-century elements - remain entirely applicable. What is proposed would see much of the church's significant nineteenth-century layer, the result of a major restoration by the distinguished G. F. Bodley, either destroyed, heavily disfigured or (in the case of the porch) physically imperilled. The remaining benches would be disposed of (are these indeed mobile, as the Heritage Statement suggests?), and the highly characterful floor within the nave entirely lost. This latter intervention would have a particularly large and harmful impact on the special quality of the interior. We are concerned also that the glazing-in of the porch would greatly intrude on its spatial and visual character, in addition to which (depending on how it is achieved) it could well result in far more rapid physical deterioration, and we object strongly to this aspect of the scheme.

We can understand the rationale for a draught lobby of some sort, but, as we did previously, we would advocate an internal solution, something which should be far easier to deliver now that the large glazed pod has been omitted from the plans. No details are provided of chandelier, and it is not included in any submitted sections or plans.

We must reiterate our objections to the proposed external additions, which, as we suggested previously, are "aggressive and hostile in form and character". This is in part a result of the proposed materiality. Corten, despite its relative vogue in certain contexts, seems wholly alien and inappropriate here.

More broadly we are disappointed that there remains, so far as we are aware, no detailed options appraisal that might clarify why so intensive and impactful a proposal has been developed. This is a historic building of the highest grade and, while there is clearly scope for intervention and adaptation, without an options appraisal objectively assessing the benefits or otherwise of a variety of approaches we cannot accept that the one adopted is suitable. We remain of the view that a far less interventionist approach could deliver the active and community-focussed future the applicant seeks for the building whilst preserving more of the building's extraordinary significance.

4.7 **Natural England: No comment**

Internal Council Consultations

4.8 **Transportation Manager: Comments from 7th December 2017**

The proposals for the development aren't clear as to how the impact of the proposed multi use venue will be mitigated, there needs to be a clear access strategy and a proposal to ensure appropriate safe connectivity to the site from the proposed parking.

The strategy needs to look at the impact on the parking in the area and include measures to mitigate for all events. The strategy must look at disabled, vulnerable users, able bodied and all modes of transport including public, school and private transport. There is very little in parking on the existing network, in School Lane and Castle Street, a number of properties, and minimal turning opportunities. How will this be addressed?

There are proposals, some discounted, that may enable links from the proposed parking areas to the church, these include street lighting, controlled crossing and shared space footpath link for Wigmore Street.

No detailed plans are submitted; therefore details required together with a Road Safety Audit, the audit brief will need to be agreed with the Council.

The Gateway Features, including carriageway narrowing appear to be discounted, not sure why but there could be benefits which assist in mitigating the impact of the proposal. Clear signage plan will assist.

In conclusion, there needs to be a strategy which deals with parking and mitigates the impact in the locality, specifically Castle Street, Church Street, A4110 (Broad Street) and Ford Street.

An audited plan of the proposed improvements is required to be assessed by the team, a plan showing the signage strategy is required.

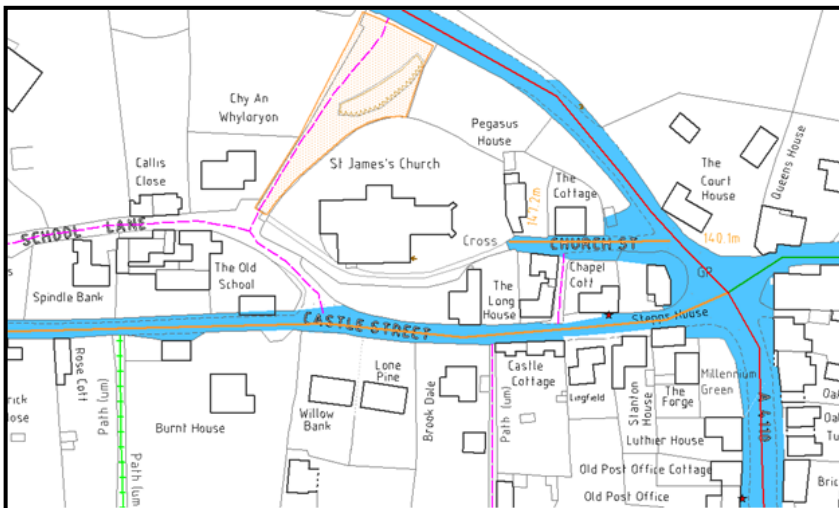
Until we have such detail, I will have no option but to recommend refusal.

4.9 Transportation Manager : Amended comments received 17th April 2018

The proposal remains to change the current use from D1 to D2 and A3 to allow for music, concert hall, café and allow for education and training.

From the information it is envisaged to have 1 sizeable event per week of max 120 people but typically 70 people. There will also be facilities for performers who will arrive by coach.

The surrounding network is identified below:
(Public highway in blue and PRoW in purple).



- The A4110 is N to S and splits the site from available parking.
- Ford Street does not have a footpath linking to the A4110.
- The crossing of the A4110 is a local concern due to the volume of traffic and the appropriate location to cross is wide.
- West of the A4110 is served by lanes, some public highway with no parking for the development site.

In support of the application, the applicant has provided traffic and parking plan which has identified potential parking which is reliant on private agreements with the school and the village hall.

The application looks to bring tourism, a Heritage Centre, Café and a meeting room for up to 40 people.

I recognise the existing attraction of the site though the draw from the proposal is a concern due to the number of vehicles coming to site with no suitable appropriate parking facilities apart from those identified on the opposite side (east) of the A4110, school and village hall.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

I am aware of the local community's concern in the village in relation to the A4110, crossing and Ford Street. The intensification and demand from the proposals will exasperate the issues and require mitigation.

I understand this is lottery funded and therefore there will be no S106, though this is a business, there should be a contribution to the mitigation of the impact either by contributing to a crossing, gateway features or improving Ford Street for pedestrians.

I can only support the application if the events, café, meetings have an appropriate enforceable Travel / Traffic Management Plan which prevents parking west of the A4110 and has appropriate measures in place to ensure safe crossing of the A4110 and safe walking along Ford Street. This will either be by managing the event and location or providing the facilities above either by full contribution or in part enabling the facilities to be delivered.

The current plan doesn't set out the principles or give confidence that this will be achieved and maintained for the life of the development.

In assessing the impact of the proposed development, the network has been assessed and there remains a concern in regularly holding events that being in the numbers as set out in the application without appropriate mitigation. At present there is potential for conflict in the location due to the volume of traffic proposed, exiting traffic flows on the A4110 and the proposed pedestrian movements along Ford Street which must include vulnerable users.

There is also a requirement for a Construction Phase Traffic Management Plan. The plan is to ensure minimum disruption to the location and minimise the risk of conflict which could result in accidents.

**4.10 Service Manager Built & Natural Environment (Ecology): 4th January 2018
No objection subject to conditions**

There is significant bat diversity at this location as demonstrated by the numbers and species around and within the church; the survey which has been carried out clearly identifies roosts in regular use as laid out in the report which I have read. I am happy with its findings regarding the swift nesting and the basic proposals for mitigation for bats. If there is any capacity for extending the swift nesting colony as part of this development it would be welcomed in an enhancement plan. I would recommend that, if given approval, the following non-standard condition is applied:

The recommendations for species mitigation and habitat enhancements set out in the ecologist's report from Protected Species Ecology Ltd dated November 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species present together with an enhancement plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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).

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).

4.11 **Service Manager Built & Natural Environment (Historic Buildings): Original comments (17th Jan 2018)**

RECOMMENDATIONS

1.1 Approval with Conditions

Reason: The less than substantial harm the proposals would cause to the listed building and conservation area is mitigated by the improved viable use of the site and as such is in accord with policies contained within the National Planning Policy Framework (NPPF) and Herefordshire Council's Core Strategy.

1.2 Conditions

a. With exception to further conditions below, the scheme is carried out exactly in accordance with the supplied Historic Impact and Supporting Statement and drawings: (please see consultation response for drawing numbers)

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

b. Before the relevant work begins, details in respect of:

- The new materials and finishes (clay roof tiles, any new stone, concrete, Coreten steel, surface material for landscaping paths and new vehicular access)
- The new oak door to the chancel
- The glazed door to the north chapel extension
- Doors to the plant area
- Intersections of walls, floors and ceilings at the new plant room, and extension to the north chapel
- Further details of the lift access, including elevation drawings and information on the material and finish of the steps.

The above details shall be approved in writing by the Local Planning Authority. For the new doors and wall intersections details should include section drawings at 1:2 or 1:5 scale. The work shall be carried out in full in accordance with such approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.0 *BACKGROUND TO RECOMMENDATIONS*

2.1 Description & Location of Development

St James's Church dates back to the 11th century and is listed at grade I. The church underwent significant alterations and re-buildings in the 14th, 15th and 19th centuries.

The amount of surviving early fabric makes St James's an important archaeological record of past building techniques. The 11th century herringbone stone work is still visible in the north wall of the north aisle and in patches elsewhere. The church is of great historic value for its

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

connections to the Mortimer family, London and Wigmore Castle (circa 500 metres north-west of the church). Although in a dominant position over the village of Wigmore, the church is not easily viewed externally due to its position on top of a small mound with the ground falling away from the building on all sides. Views are further obscured by a surrounding ring of mature trees. The interior is defined by the large open space resulting from the high south aisle being open to the nave. As a centre of worship and community gatherings for centuries, the church holds high communal value for the inhabitants of the Wigmore area.

2.2 Policy background

The advice has been given with reference to relevant policies, guidelines and legislation:

- National – National Planning Policy Framework (NPPF) paragraphs
 - 131 (enhancing heritage assets and enabling their viable use)
 - 132 (development should conserve the significance of heritage assets and development within the setting of a heritage asset can be harmful to it)
 - 134 (weighing less than substantial harm of proposals against their benefit)
 - 137 (treating favourably schemes which conserve or positively enhance conservation areas or the settings of heritage assets)
- Local - Herefordshire Council's Local Plan Core Strategy policies:
 - LD4 – Historic Environment and heritage assets (which states that development must enhance and protect listed or other buildings of acknowledged importance).
 - SS6 – Environmental quality and local distinctiveness (which states that development proposals should conserve and enhance heritage assets which contribute towards the county's distinctiveness).

3.0 COMMENTS

3.1 Proposals

The proposals are:

- a. Externally - landscaping and a lift to aid accessibility, to add a new W.C and plant store, to reinstate the north-east end of the north aisle
- b. Internally - re-order the interior to provide a kitchen and café, facilities for meetings and live streaming events on a large projection screen and to add a draught lobby to the porch.

The proposals under 'b' are to be controlled through the Ecclesiastical exemption process under Herefordshire's Diocesan Advisory Committee.

3.2 External appearance, impact on character of conservation area and setting of nearby listed buildings

The main visual changes are to the traditionally least significant and unfavoured north elevation of the church. The cumulative impact of the scheme on the church exterior as a whole is somewhat lessened by the surrounding trees and topography, which also limit the impact of changes on nearby listed buildings. Similarly, the proposals will not detract from the character of Wigmore Conservation Area. The choice of a unified colour palette and plain, solid shapes gives a uniformity to the changes that makes them both complementary to the church and surroundings and identifiable as a single phase of works. The use of coreten steel gives interesting colour and texture to the otherwise plain forms. Overall we feel that the external appearance of the church will not be negatively affected by this concept, but the quality and detailing of the new external structures will be key to their success.

3.3 Change of use

There will be no objection from a building conservation perspective from a change of use from a place of worship to a mixed use venue. We have no concerns over the internal proposals which we trust have been scrutinised by the Diocesan Advisory Committee.

3.4 New lift access

The location of the new disabled lift on the north-west side of the church is suitable as it keeps clear the important route from the church to the castle and will be viewed more in association with the new plant store and W.C. than the church itself. Together with the improved vehicular access and alterations to the rest of the north elevation, this will be a considerable visual change, but the scale, location and association with other new elements (some of which act to enhance the church's setting) will not make this change overly negative.

3.5 New plant store and W.C.

This will be a significant visual change to the north and west elevations of the church. This addition sits up against the 14th century tower and is visible from north and west, although largely screened by the topography and trees. The plain, cuboid form and relatively low height mean it does not distract from the tower. The choice of corten steel provides interest and texture, but is subtle and intriguing rather than dominating, so is a good choice of material for this shape.

3.6 Reinstatement of north aisle

There is clear evidence in the east wall of the north chapel and north wall of the nave that the north aisle extended to the area proposed for extension of the north chapel. This makes the proposal easy to accept on grounds of affecting the character of the building. The choice of treatment is acceptable – a reinstatement in the same stone could mislead as to the age of this work, and the choice of corten will identify this with the current proposed phase of alteration. This clearly modern re-instatement will also allow the improved access desired for wider use of the church. The external glass doors allow the extension to be read as a solid shape, but also pose interesting questions for their relationship to the trees to the north.

3.7 Landscaping

Exterior foot level lighting and paths levelled and re-laid in suitable material will improve the appearance of the church.

3.8 New vehicular access

This will consist of improvements to the surface of the existing road. There will only be temporary drop off parking at the west end of the church which will ensure the church's setting is kept clear of unsightly vehicles and the link to the castle remains open. Detail of the surfacing material should be supplied.

4.12 **Service Manager Built & Natural Environment (Historic Buildings): Amended comments**

Following the submission of further supporting documents describing recesses for shadow gaps and rainwater goods at intersections between stone and new work, and details of doors and the lift access, we are satisfied that the initially stipulated conditions for more details on:

- The glazed door to the north chapel extension;
- Doors to the plant area;

- Intersections of walls, floors and ceilings at the new plant room, and extension to the north chapel;
- Further details of the lift access, including elevation drawings;

have been fulfilled. The comments submitted by the Building Conservation Office on 17 January should be amended to read:

1.2 Conditions

a. With exception to further conditions below, the scheme is carried out exactly in accordance with the supplied Historic Impact and Supporting Statement and drawings: (please see consultation response for drawing numbers)

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

b. Before the relevant work begins, details in respect of:

- The new materials and finishes (clay roof tiles, any new stone, concrete, coreten steel, concrete finish to steps to lift access, surface material for landscaping paths and new vehicular access);
- The new oak door to the chancel;
- Details of the interpretation patterns on stone flags and coreten panels to the north chapel extension and plant room
- The above details shall be approved in writing by the Local Planning Authority.

The work shall be carried out in full in accordance with such approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.13 Service Manager Built & Natural Environment (Arboriculture):

A large proportion of the trees within Wigmore church yard are identified on the Ancient tree inventory and the National Planning Policy Framework, in January 2018 amended, it states,

Ancient woodland or veteran trees are irreplaceable, so you should not consider proposed compensation measures as part of your assessment of the benefits of the development proposal.

You should not take account of the existing condition of ancient woodland/veteran tree (if this is poor) as a factor in favour of the development proposal, because you can usually improve its condition with good management proposals. It may be relevant to consider the scope to improve its condition as part of the compensation measures, if you decide to grant permission for development.

T2 – the Common Lime located at the west of the site does have significant decay, demonstrated by the PICUS decay detection. However, this is a tree of high amenity value with a Tree Preservation Order and the recommendation to pollard does put a significant threat on the ongoing health of the tree.

I would prefer to see efforts made to retain this veteran specimen by carrying out alternative remedial works that would both reduce the risk of failure and retain its amenity value.

I am not clear as to how the path which will provide access around the church will be designed but it does appear to go within a number of Root Protection Areas, especially T11 & T13, the Yew trees near the main access. As suggested in the Arboricultural Impact Assessment a no dig design should be used where RPAs are breached.

The proposed tree removals are acceptable and will be mitigated by replacement planting which is recommended 14-16cm.

Recommend Conditions as follows:

None of the (existing trees) (and/or) hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policy LD2 of the Herefordshire Local Plan – Core Strategy

a) An Arboricultural Method Statement. This shall provide a methodology for any aspect of development that has the potential to result in loss or damage to a tree. (It will include details of a monitoring regime of ongoing development operations by a qualified arboriculturalist to ensure full compliance with the Arboricultural Method Statement and the approved Tree Protection Plan.

C92 G06 – Remedial works to trees

Any damage caused to any tree which is to be retained, in accordance with the approved plans shall immediately be notified to the Local Planning Authority. Any remedial work as advised by the Local Planning Authority, or by an Arboricultural supervisor, shall be undertaken within a timescale agreed with the Local Planning Authority. The remedial work shall be undertaken in accordance with BS 3998: 2010 – Recommendations for Tree Work.

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

4.14 **Environmental Health (Contamination and human health): No objection**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Although graveyards and the like may be considered potentially contaminative, given what is proposed, I've no adverse comments to make.

5. **Representations**

5.1 **Wigmore Group Parish Council: Object (January 2018)**

At its meeting on Monday 8th January 2018 Wigmore Group Parish Council considered the application and make the following comments:

Wigmore Group Parish Council recommends that the planning application be rejected for the following reasons:

Inadequate parking

As noted in the Wigmore CIC's Traffic report 2.3.1 'There are few parking opportunities near to the church'. This is an understatement of the actual situation. St James' Church, Wigmore is located on top of a rocky outcrop on the western side of the A4110 which divides the village in two. From the A4110 there are two routes to get to the church namely by Church Lane, a short, narrow and privately owned road. Only pedestrian visitors should use this route as there is a 'Residents only' sign at the entrance to the lane from the A4110. Drivers frequently ignore this sign and attempt to park here. The other route is by Castle Street, a narrow, single track, poorly surfaced dead-end road, and then taking a right fork up School Lane, a privately owned un-made up track that also leads to a dead-end.

There is no designated parking area for the church. Instead there is a sign post at the junction of Castle Street and the A4110 directing visitors to the church and Wigmore Castle to park at Wigmore Village Hall car park and then walk along Ford Street, cross the busy A4110, walk up Castle Street then School Lane, about a 450m walk.

The Traffic report states at 2.3.2 'It is understood that weekend tourists / walkers are relatively few in number.....' even so and in spite of directional signs, residents complain that these are ignored and visitors try to drive up both Castle Street and Church Street looking to park as close to the church as possible, and on occasions, causing grid lock as Castle Street and School Lane are narrow with very limited turning space with the result that cars block residents access to their driveways and garages. If, as anticipated, the proposed Centre is open 7 days a week and hosts one event a week, the increased visitor numbers are likely to put an unsustainable strain on residents of Church Lane, Castle Street and School Lane.

Disabled Access

As highlighted in the Traffic Report 3.4.1 '..... access to Church Street is problematic and cannot be recommended, especially to the ambulant, impaired on-foot'. The plan shows one disabled parking bay and the Traffic Report suggest using a shuttle bus for disabled visitors. If there are the anticipated 70 visitors for an event, it is a reasonable assumption that there will be more than one person with a mobility issue who will wish to use the one disabled parking bay.

The scenario of the shuttle bus, plus a car with a disabled driver who cannot park because another disabled driver arrived and parked first, plus cars whose drivers ignored the parking signs plus the residents who are actually entitled to drive up Castle Street causing gridlock can well be envisaged.

Traffic Generation

The A4110 runs through Wigmore village (aka Broad Street) where a 30mph zone is in place. This road is used by cars, HGV's, tractor-trailers and, during term time, by school buses transporting pupils to and from the Primary and High Schools located off Ford Street. For some time the parish council and residents have been concerned about the number of vehicles travelling along the road, the speed of those vehicles and the lack of a safe crossing zone for pedestrians.

The parish council recently requested Balfour Beatty to do a site inspection with a view to putting in a zebra crossing on Broad Street but this was deemed not possible because of inadequate visibility splays and that the required increased kerb width on both sides of the road would narrow the A4110 below the recommended lane widths.

It was noted that Broad Street residents' park their cars on either side of this road as well as customers to the village shop. On occasions the number of parked cars on Broad Street (A4110) has caused traffic hold ups as vehicles negotiate around the stationary cars.

Ford Street (C1019) is another area of concern to residents and the parish council. This road turns off the A4110 and goes east onto to Ludlow through the villages of Leinthall Starks, Elton and Pipe Aston. Ford Street provides road access for two pubs, a care home, the village hall, the Wigmore Schools campus and over 60 residential dwellings.

In Wigmore village, the junction of Ford Street with the A4110 is a funnel that then narrows significantly resulting in a bottle neck by the entrance to The Oak Inn. There are frequent hold-ups as vehicles driving in opposite directions negotiate past each other. There is no footway along this stretch of Ford Street. Parents have raised concerns that pedestrians have no protection from vehicles at this point but several suggestions from the parish council to ameliorate this situation have been turned down by BBLP. Further down Ford Street many residents with no off-street parking tend to park their cars either in the village hall car park or, more usually, on the street. Again there are frequent hold-ups as vehicles coming in opposite directions find Ford Street partially obstructed by cars parked along most of its length.

The Traffic Report acknowledges 'potential difficulties along the relatively narrow access roads' 3.2.2 but the proposed parking at the school and village hall car parks does not adequately address the inevitable increase in traffic along both the A4110 (Broad Street) and Ford Street. The increase in traffic will simply add to the existing traffic problems in Wigmore.

Highway safety

As indicated above, the proposal for a 7 day a week opening plus a weekly event will inevitably generate more traffic on the roads in Wigmore. The Traffic Report at 2.4.4 assumes that 'A number of those attending any event will be attracted from the local community. These people are most likely to walk to the venue.' Wigmore is a small village of fewer than 600 residents (as per the electoral register). It is unlikely that Wigmore residents will patronise events on a weekly basis thus, to be viable, the project will have to attract visitors from outside the village. This will inevitably increase the traffic on the access roads, adding to the wear and tear on the road surfaces. The Herefordshire part of the C1019 (Ford Street and Wigmore to Ludlow road) is already in a poor state with disintegrating camber and multiple pot holes that have caused damage to several car wheels and present a danger to motor bike riders and cyclists. The increased traffic and inevitable deterioration of the roads are a matter of concern for the safety of road users.

5.2 Wigmore Group Parish Council: Amended comments 9th April 2018: Objection maintained

This planning application came before the parish council a second time because the Wigmore CIC had submitted a new Traffic Parking Plan which the councillors wished to examine. Following discussion, Wigmore Group Parish Council again recommends that the planning application be rejected as this second Traffic Parking Plan has not added anything new to address the issues of concern to the parish council, namely the problems of inadequate parking facilities, unrealistic disabled access, increased traffic and highways safety as described in the parish council's initial response.

5.3 There have been 33 letters of support for the proposal. The content is summarised as follows:-

- This proposal represents perhaps the only opportunity to viably support the continued use of this Grade I listed building of national significance.
- Without sensitive repurposing the church will close after nearly 1,000 years

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- The church enjoys a commanding position near to the castle ruins, with which it has strong historical association and with the numerous other heritage assets in the vicinity combine to create a significant area of cultural, social and historical importance. The church is central in this and the re-use will better reveal its own architectural and historical interest.
- If permission is refused the church will likely close and the hard work and endeavour of a dedicated band of volunteers will count for nothing. It is testament to the hard work and expertise of these volunteers that Heritage Lottery Funding has already been obtained, with the likelihood of more should planning permission be forthcoming.
- The multi-faceted use of the church will act as a catalyst for increased tourism and expenditure locally.
- Although concerns in respect of parking and access are understood, there are viable solutions and these concerns should not be used as a means of frustrating the project.
- The Wigmore CIC proposals appear to be the only viable way of maintaining the church.
- The church, castle and wider area have historical associations with the Mortimer family, which are only now being better appreciated. These associations can be seen in place and street names in the capital. These associations represent an opportunity to increase wider understanding and are a basis for increased heritage-led tourism.
- There is tremendous local support and pride in the church which is evidenced by the recent renovations.
- The school has confirmed that their parking facilities can be utilised as weekends and evenings if the village hall car park is full.
- Creative thinking like this is required if the church is to survive and this could be an exemplar that others follow. Congregations are falling, maintenance costs are high and contrary to popular belief the Church of England is now awash with money. There are numerous social and economic benefits in support of this proposal.
- There is very little provision of similar community facilities in northern Herefordshire.
- Locally, despite much effort over the last decade or so, St James' has exhausted both human and financial resources. Other churches in Wigmore Abbey Parish are struggling to meet their obligations and there are no resources to redeploy. The one hope of saving St James' from closure seems to lie in the CIC proposal, which has been endorsed by the PCC. Closure would mean inevitable deterioration and an increasing eyesore = 'blot on the landscape', doubtless becoming a magnet for vandalism.
- The imaginative CIC Scheme will retain provision for church services, but increase community facilities to the benefit of tourism - and thus employment - as well as local cultural activities. Undoubtedly the site - which cannot be changed! - produces challenges as regards access and parking, but these have been addressed responsibly and sensitively. It is disappointing that the council, having summarised present realities and concerns, could not have gone on more positively to see the CIC scheme as one which would strengthen its hand in pressing for infrastructure/highway improvements which are surely necessary in any case. I hope that it may yet review its stance.
- There has been objection to the planned provision of disabled access to the west of the church. Meeting such present-day requirements will always be a challenge with a medieval building, constructed at a time when there were no such considerations.

5.4 There have been 7 letters of objection to the proposal. The content is summarised as follows:-

Highway safety and parking

- Existing access roads are used by residents who have no other options. Result is a narrow, single lane access.
- Impacts on the lane is already felt when the church is used, for example by bell ringers or occasional services. Those existing groups know of alternative parking options but experience suggests that they use the local road irrespective (albeit this is infrequent).
- Parking impedes access for deliveries / emergency services. Concern that the frequency of the proposed uses (daily) could make this a permanent state.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Junction of School Lane and Castle Street is used as a turning head but is restricted. It would be gridlocked. Alternative is top of Castle Street.
- Potential conflict when dropping off / assisting wheelchair users with other road users and local residents. Surface and area is not suitable.
- Concern about operation of a marshalled system. Is this viable and what powers would they have to move vehicles that are causing congestion?
- Walk from proposed car parking area is considerable – result being vehicles will get as close as possible to park or drop off / then turn around at same time as being pedestrians. Conflict / safety concerns.
- Concerns about the ongoing management / viability of the transport plan.
- Pre-sale of 70 tickets before a requirement for traffic management kicks in. Potential for events attracting between 20 and 50 vehicles no traffic management other than easily ignored signage? What is the contingency for those that turn up on the day?
- Junction of Ford Street and the A4110: recognised this is a narrow junction. The proposed narrow pavement area seems a sensible option for the school children etc but is it really safe for 120 people at max capacity to walk along for the events. Junction known for number of fatal and serious accidents either side of this junction.
- Management of construction traffic? No consideration to parking / amenity / ground conditions and land stability?
- How will deliveries be made? Waste collection? and how would these be managed?

Amenity and potential local impacts

- Lighting and security not provided (documents suggest borrowed lighting from the other properties). No provision has been made to provide the considerable lighting needed for the accessible access ramp and the approach to the church via Church Street.
- Wigmore enjoys considerable 'dark skies' and it would seem unreasonable to have this existing natural feature of village life taken away plus impact upon amenity.
- Lighting also needed for security. The church is at a higher level than neighbours opposite, so the effect of the lighting will be similar to stadium lighting.
- Impact of the increased parking, lighting, littering, handrails etc will impact on the Conservation area and setting of the listed buildings.
- Impact upon amenity of the local residents whose houses abut the site?
- The village already enjoys a vibrant social and commercial scene for its size. The Oak and Castle Public houses already provide food, coffee and entertainment evenings. What will the impact be on them and what assessment has been made to the effect of a competitor cafe further dispersing trade? It would be unfortunate to lose one of our public houses due to a competitor that enjoys an unfair commercial advantage. Concerns also about impact on the store.

Other

- The village hall is a large space that can hold an audience comparable to the proposed development. Can this not be accommodated here?
- Concern about viability and fall back position. Who will maintain this if it does not work? Not a normal commercial proposal.
- Infrastructure: Is the high speed broadband needed for live streaming available? What would the route be for this if available? Impacts upon local service ben considered?
- Funding: What if all funds are not secured and only part of the project is delivered making increased pressures on road networks etc.
- Proposal is out of scale the location is simply unsuitable for the proposed development
- Other fundraising options exist such as using the existing village hall for live streaming events that would be more practical, if less glamorous, to provide shared revenue on a sustainable footing and maintain the Grade 1 atmosphere of the church.

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=174528&search=174528

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

6.1 S38 (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 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as 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."

6.3 The decision-maker should also be aware of the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states as follows:-

"In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Case law has established that preservation is equivalent to doing no harm.

6.4 The development plan is, for the purpose of this application, the Herefordshire Local Plan Core Strategy 2011-2031 (CS). The pursuit of sustainable development is a central tenet of the CS. In the language of the CS this means the pursuit of a series of objectives arranged under the headings 'social progress', 'economic prosperity' and 'environmental quality'. The parallel with the NPPF is clear. Indeed, Policy SS1 reflects the positive presumption in favour of sustainable development and the NPPF paragraph 14 decision-making process insofar as development according with the CS should be approved unless material considerations indicate otherwise. Where policies are silent or otherwise out of date, SS1 imports the two-limb approach set out in NPPF paragraph 14.

6.5 Officers consider the following as the main issues relevant to the determination of this application.

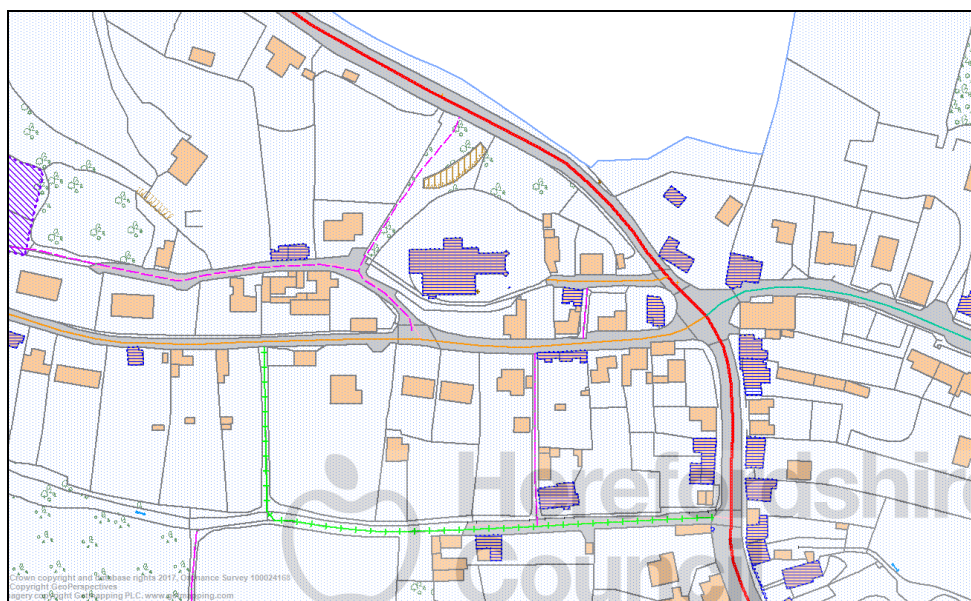
- Heritage impacts on the setting of the church
- Impact upon the Conservation Area
- Impact upon other designated heritage assets
- The impact of the proposed use and development on highway and pedestrian safety;
- Amenity of local residents;
- Other issues including arboriculture and biodiversity.

Heritage

6.6 In this case, there are a number of designated heritage assets affected – principally St James' Church (grade 1 Listed) itself but also the Wigmore Conservation Area and a number of other listed buildings in the vicinity. The listed buildings (designated heritage assets) are shaded in blue

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

on the plan inserted below. Along with the remnant Wigmore Castle (Scheduled Ancient Monument) and numerous other designated heritage assets, the historic, cultural and architectural value of the area surrounding the church is considered to be high.



- 6.7 As explained in Section 1, there is no accompanying Listed Building Consent application, (the work being exempt but governed by a separate application to the DAC). Accordingly, Members are not being asked to take a decision in relation to the internal works as these are subject to a separate approval process. Members are, in effect, being asked to consider the external manifestation of the proposed extensions in relation to the church itself and the wider setting. In this respect it is necessary to consider the proposal with regard to the guidance contained within the NPPF and policy LD4 of the Herefordshire Local Plan, Core Strategy. Policy LD4 describes the approach to preservation and conservation of heritage assets but does not prescribe the approach to decision-making in the event that harm to significance is found. This is left to paragraphs 133 and 134 of the NPPF; informed by paragraph 132 which relates that the more important the asset, the greater the weight to be applied to the conservation of the asset. That the church is Grade I listed means that the greatest level of weight must be applied to the asset's conservation.
- 6.8 The adaptation of the church building to create the Wigmore Centre whilst retaining its use as a place of worship is clearly an ambitious proposal involving extension, alteration and access works that impact on the significance of the listed building in terms of its interior, exterior and setting. There is undoubtedly support, in principle, for reuse of the church as detailed in the consultation responses above. It is common ground among Historic England, the amenity bodies and the Council's own heritage advisors, that the principle of development is acceptable and supported as a means of promoting a viable re-use for the building. This is something to which considerable weight may be attached. However, it is equally clear that with the exception of the Council's heritage advisor, other heritage advice, including that of Historic England, tends to the view that the external alterations proposed are not sufficiently detailed to convince them that the scheme, whilst supportable in principle, can be supported in terms of the overall impact to the setting and in some instances the fabric of the building. The overriding message from these consultees is that whilst the approach to finding a sustainable re-use of the building is laudable and something that should attract weight in its own right, there are perhaps more sensitive ways of achieving this ambition i.e. ways of extending and adapting the building that better reflect the building's architectural and historical interest and setting.

Summary of Heritage Advice

- 6.9 Referring to the comments from Historic England above (para 4.1 and 4.2) the Government's Heritage Advisor remains concerned that the scale and design of the proposed alterations and extensions results in harm to the significance of the church and does not meet the requirements of the NPPF to conserve and better reveal the significance of this Grade I listed building. Historic England in particular details concern that the internal elements of the scheme that are critical to the change of use will have an unjustifiably negative impact upon significance, yet those matters are not before the committee for consideration, as previously explained in this report.
- 6.10 In terms of the external manifestation of the external elements of the scheme, Historic England retains concerns that the amended access will form an intrusive visual feature resulting in harm to the significance of the church.
- 6.11 Moreover, despite the submission of additional details they also remain concerned about the plant room, in that the size, proportion and design would have a negative impact upon the building's significance. They also remain unconvinced about the design principles of the extension to the north chapel and raise concerns about the viability of the proposed works to the south porch. They conclude that the amount and design of the proposed alterations and extension does not meet the requirements of paragraphs 131 and 137 of the NPPF requiring new development to make a positive contribution to local character and distinctiveness and better reveal significance, or that harm identified has been justified in accordance with paragraph 132.
- 6.12 The Society for the Preservation of Ancient Buildings (SPAB), also raise significant concerns as can be seen in their comments above (para 4.4) concluding with their opinion that the scheme falls some way short of the approach required to meet the objective of preserving and enhancing the special interest of this building and its rural surroundings.
- 6.13 The Ancient Monuments Society acknowledge and commend the observations of Historic England and SPAB in the representation (para 4.5), raising concern about the business case; the acceptability of the use and Corten steel; as the external cladding material; which they describe as a hard edged urban material, as well as the proposed modern interior that fails to deliver the balance between function and character.
- 6.14 The Victorian Society also objects to the proposal, reiterating comments that the external additions and the use of Corten are inappropriate describing them as "aggressive and hostile in form and character" being alien and inappropriate in the context. They also comment on the lack of options appraisal that would help clarify why what they consider so intensive and impactful a proposal has been developed.
- 6.15 However, as a counter to these objections, the Council's Historic Buildings adviser has, as referred to at paragraph 4.11, concluded that the proposed alterations and extension would have a less than substantial harm to the significance of the heritage asset. In concluding this, they consider that the public benefits brought about by this proposal, in the provision of a long term use of the building for the community, would outweigh what they perceive as 'less than substantial harm' falling within the purview of paragraph 134 of the NPPF.

The approach to decision-making when "heritage harm" is identified

- 6.16 Paragraphs 132-135 of the NPPF 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 132 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 133 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.

- 6.17 Paragraph 134 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. Paragraph 134 is thus also a restrictive policy.
- 6.18 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 Grade I listed building (in which case paragraph 133 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 134; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 134 as a restrictive policy.
- 6.19 As detailed above, the Statutory bodies do not expressly conclude that the proposed works would lead to substantial harm within the purview of paragraph 133, but there are evident concerns that lead officers to conclude that the harm to significance in the view of Historic England and the ‘amenity bodies’ tends towards the upper end of the less than substantial spectrum. That the heritage asset involved is Grade I listed, lends credence to this view. Historic England and the amenity bodies are unconvinced that the level of harm they consider is evinced is necessary to achieve the benefits associated with finding a sustainable and viable re-use of the heritage asset. The principal reasons for this appear to be:-
- a) That there are other design solutions that would better ameliorate the degree of harm to significance; &
 - b) The current scheme drawings are not sufficiently detailed to convince Historic England and the amenity bodies that the impact of the scheme upon the historic fabric, appearance and setting of the church will be appropriate.
- 6.20 For decision-making contradictory advice from experts in the same field is potentially problematic. Historic England and the amenity bodies have clear objections and fail to be convinced that the proposals would comply with the requirements of paragraphs 131, 132, 137 and Section 7 of the NPPF. In the view of officers and as expressed above, this amounts to less than substantial harm at the upper end of the spectrum and a significant material consideration that directs that refusal should ensue unless the public benefits of the proposal, including securing its optimum viable use, outweigh the harm.
- 6.21 However, if the advice of the Council’s Historic Building Officer is preferred i.e. that the harm to significance falls at the lower end of the less than substantial spectrum, then the public benefits arising from the scheme may be weighed accordingly, with the heritage harm being attributed less weight in the planning balance than if one prefers the advice of Historic England and the ‘amenity bodies’. Officers return to this point in the planning balance below

Other designated Heritage Assets

- 6.22 The application site also lies within the Wigmore Conservation Area and there is some limited concern raised locally about the impact of the proposed works on the character of this Area. The church itself is visually prominent within the Conservation Area and local landscape, and the proposed extensions and alterations to the west of the church will be particularly prominent from the west (School Lane). Whilst there will, undoubtedly be a visual impact, this will be localised

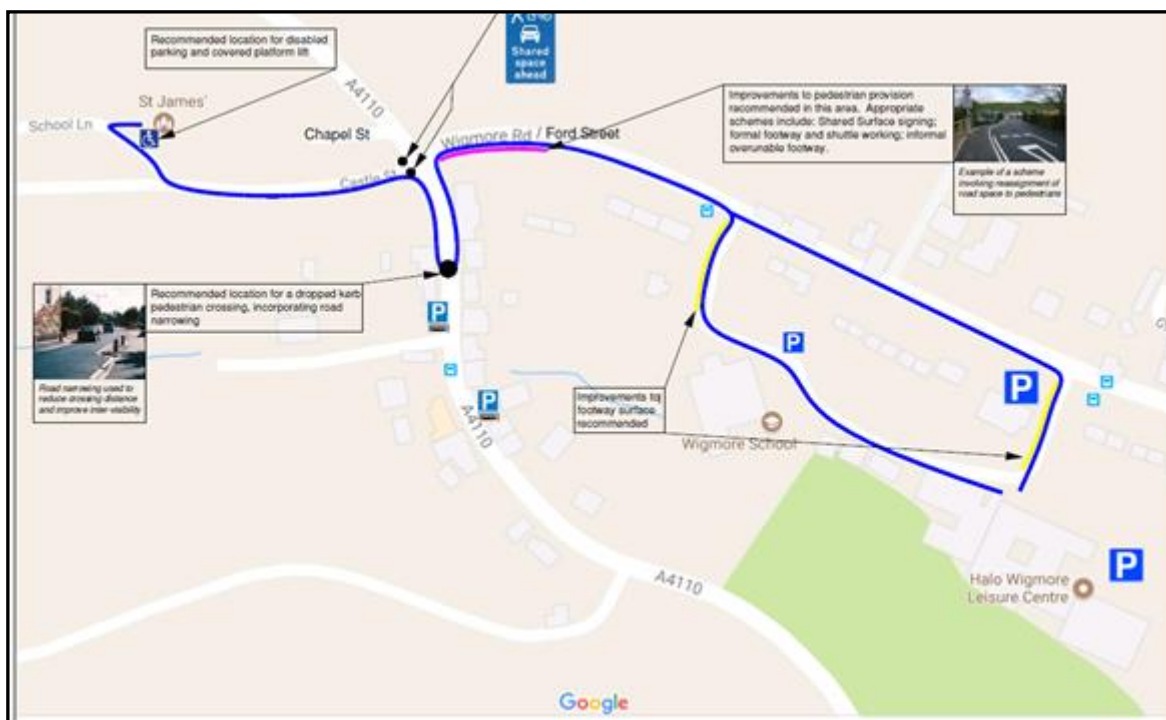
and would not be considered to result in substantial harm to the designated heritage asset and as such paragraph 134 of the NPPF would apply.

- 6.23 As can be seen from the plan inserted above, there are also a number of other listed buildings in the vicinity of the Church and consideration must again be given to the effects of the proposals on these designated heritage assets. Officers are of the opinion that given the relationship of the buildings and the local context, the proposed works would not adversely affect, and would therefore preserve the setting of the designated heritage assets and that the proposal would therefore comply with the requirements of policy LD4 of the Core Strategy and the guidance contained within the NPPF.

The impact of the proposed use and development on highway and pedestrian safety

- 6.24 The second main issue relates to the impact of the proposals on the safe operation of the highway network. Policy MT1 of the Herefordshire Local Plan – Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks 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 or mitigate any adverse impact from the development. Developments should also ensure that they are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space.
- 6.25 Local residents and the Parish Council have raised significant concerns about the impact of the development on highway safety and these are detailed above in the representations. The Council's Transportation Manager has also considered the proposal raising a number of concerns and I would draw Members attention to these comments at 4.8 and 4.9 above.
- 6.26 St James' Church does not benefit from any facilities for parking. Acknowledging that this matter would need to be addressed in a resulting application, the applicants have provided two documents that provide an overview of the use of the building and seek to provide a strategy for staff and visitor parking and the operation of the site. These can be viewed online at:
- Final Traffic Report (June 2017):
<https://myaccount.herefordshire.gov.uk/documents?id=a7f82f43-e3d5-11e7-8cb0-0050569f00ad>
 - The Wigmore centre Traffic and parking management plan (March 2018):
<https://myaccount.herefordshire.gov.uk/documents?id=8f3bea08-26d6-11e8-8ae0-0050569f00ad>
- 6.27 The Wigmore Centre scheme would result in a wide range of events being held at the church which will include concerts, streaming, and other cultural events. The nature of these particular events will attract the higher numbers of customers up to circa 120 per event on what is stated likely to be, in time, a weekly basis. The other facilities and services will include a tourism and heritage centre, a café, and meeting rooms seating circa 40 people. All this is in addition to the existing lawful use of the building as a church. It is expected that these facilities will attract between 5 and 40 visitors at any one time.
- 6.28 The resultant multi-use venue is likely to receive visitors spread between the opening times of 10 am to 5 pm. It is estimated that visitor numbers are currently around 2,500 per year with the forecast over the period 2020 to 2025 being that visitor numbers will increase to around 6,000 per year representing some 15 to 20 per day. The applicants consider that the existing arrangements are considered adequate to cope with such modest increases. It is expected that the majority of tourists will be on foot having been directed by English Heritage to park at the existing Castle/Church car park (the Village Hall) and following their visit to the church they will proceed to the adjacent Wigmore Castle. It is clear, however, that the village hall car park is not of sufficient scale to cater for large-scale events and thus peak demand and that use of village hall car park will not, in any event, be exclusively for the benefit of the Wigmore Centre.

- 6.29 The parking strategy, in particular for the larger events is detailed in the documentation and advises that instructions in respect of parking will be provided with bookings and that during larger volume events the entrance on Castle Street will be signed with an information board giving details of designated car parks and additional signage will make it clear that vehicular access is limited to residents and their families, service vehicles and those with a pre-authorized booking. Marshals will be used to man crossing points before and after the event. Marshals will be volunteers that have received appropriate training.
- 6.30 The documents detail parking at Wigmore High School (when not in use by the school) and the Village Hall. The Wigmore School and Village Hall car parks comprise a mix of formal delineated parking bays and some non-formal parking areas with parking capacity conservatively estimated to be 80 spaces. They are accessed from Ford Street.
- 6.31 The plan inserted below identifies the Church to the west, with pedestrians exiting via Castle Street, turning south to a *recommended* uncontrolled crossing point of the A4110 before heading north along the existing footway. This footway terminates at the junction with Ford Street and there is a section that does not have a public footway (highlighted in pink) before re-joining the footway along Ford Street and providing access to the parking areas. The walk would take around 10 – 15 minutes, with narrow pavements, poor surfaces and no street lighting. These are all factors that may discourage visitors from using this parking option, thus resulting in seeking parking or a drop off opportunity closer to the venue; for example, on Castle Street, the A4110 or as near to the venue as possible on Ford Street.



- 6.32 The Traffic Management Plan makes a series of recommendations in respect of improvements that should be considered to enhance the pedestrian experience, including the provision of a footway on Ford Street (in pink), street lighting or providing lighting on nearby buildings (such as public house) that can be 'borrowed', installation of a pedestrian crossing, speed reduction measures, warning and directional signage, resurfacing of Castle Street and School Lane.
- 6.33 As a result of this assessment, and as shown on the inserted plan above, the following improvements are proposed:

- Dropped pedestrian crossing, incorporating road narrowing across A4110;
- Improvements to pedestrian provision (in pink) to possibly include shared surface, signage formal footway, informal overrunable footway
- Signage to end of castle street
- Disabled parking and covered platform lift
- Improvements to footway surface on entrance to school

Improvements including, alternative pedestrian routing, speed reduction measures and a pedestrian priority crossing were discounted and are not proposed as part of this application.

- 6.34 The A4110 is a significant barrier for pedestrian movement around the village, and this is recognised by the existing request and exploration for improvements. The proposed development, if operated in accordance with its traffic management plan, will be heavily reliant upon pedestrian access along substandard roadways, with its busiest times being in the evenings and during the hours of darkness. Officers are unconvinced that the proposal will be able to consistently deliver a traffic / travel plan that will be able to put into place measures that will ensure a safe crossing place for the busy A4110, nor safe walking for pedestrians along Ford Street onto the A4110 for all users. The likely result is that vehicles will try to access the church via Castle Street, whether to park on road, or to 'drop off' to avoid the walk to the car parks for some of the occupants of the vehicles. Being discouraged from doing so at the junction of Castle Street / A4110 may lead to turning manoeuvres and additional traffic exiting a substandard junction with poor visibility.
- 6.35 In addition there is potential for congestion on Castle Street, which is often single width due to the parked cars that belong to existing residents and could result in an increase in turning movements on the junction with School Lane at the same time as there would be an increase in pedestrian activity as visitors access the Church for the event.
- 6.36 Whilst the proposals of the traffic management plan may be suitable and acceptable for, for instance, an annual event, the frequency of the events proposed result in a continued pressure on the local highway network that may not be able to absorb the impacts of the development affecting the safe and efficient flow of traffic on the network. The mitigation proposed, in the form of the traffic management plan and proposed improvements (as listed above), is not considered sufficient to address either the highway and pedestrian safety concerns for example:
- There is no road safety audit that demonstrates that the build out, crossing points and alterations to the highway on Ford Street to provide pedestrian refuge are acceptable;
 - There is no agreement with owners of buildings to provide lighting solutions;
 - Whilst the school and village hall have written to confirm agreement to the use of their car parks, this can't be guaranteed; and
 - There is no contingency plan for long term / alternative provision.

As such the proposal would be contrary to the requirements of policy MT1 of the Herefordshire local Plan – Core Strategy.

- 6.37 Turning to the NPPF, paragraph 32 states that safe and suitable access to the site should be achieved for all people and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In practice this means that where post-mitigation impacts of development on the highway network are still considered to be severe, then refusal of planning permission is directed. In this way paragraph 32 operates as a restrictive policy.
- 6.38 In this instance, the Transportation Manager has identified some improvements that could improve safety for pedestrians that would support the traffic management proposals in a

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

permanent manner. The applicants have advised that due to the way in which this project is funded, they do not have the resources to make this provision. So, although there may be measures that can improve the situation, officers are presently unclear that these are deliverable for a variety of reasons, but principally the feasibility in a physical and financial sense. As such, the significant impacts of development remain and are considered to be severe. Officers therefore recommend refusal on highway safety grounds.

Amenity

- 6.39 Policy SD1 of the Herefordshire Local Plan – Core Strategy seeks to ensure that development proposals create safe, sustainable, well integrated environments for all members of the community and will need to be carefully considered. This policy also seeks to ensure that the amenities of existing and proposed residents are maintained. This should be read in conjunction with the requirements of policy RA6 which acts in support of proposals that diversify the local economy whilst acknowledging that such schemes should not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust lighting and smell.
- 6.40 It is acknowledged that the church is an existing community facility that whilst underused now, could potentially be actively used for a variety of activities associated with use as a church. The majority of the proposed changes of use are quiet, unobtrusive uses that would have little impact upon the amenities of the local residents per se. However, the residual impacts of the uses, such as delivery vehicles, and additional car movements must also be considered. For the reasons detailed above, officers have raised concerns about the potential impact of additional movements along Castle Street. Whilst the residual impacts of the traffic movements in the area generally are considered to be severe the impact of the potential additional traffic and pedestrian movements along this lane, or locality for limited periods during normal working daytime hours, would result in impacts that could be considered to be significant.
- 6.41 It is assumed that the live streaming of events / live concerts within the church itself will involve the use of amplified equipment and this is something that could occur at the church already. The proposed pedestrian access and lift is immediately adjacent to residential properties, the fact that increased activity will have an impact upon amenity of these residents is again important, especially as some events will be in the evening. Officers would suggest that a suitable noise management plan could be sought that would consider the impacts and provide robust review mechanisms to address problems as they arise. Nonetheless, given the fall back position, limited period of potential for impact, and proposed mitigation, officers would conclude that the impacts from noise and disturbance would not outweigh the benefits of continued use of the heritage asset.
- 6.42 The proposal does not include the provision of any lighting, but officers recognise that there may be demand for this. A condition could be imposed that requires the submission of lighting proposals before installation allowing for consideration to ensure compliance with policy SD1 and also to allow consideration in respect of impacts upon the designated heritage assets and policy LD4 of the Core Strategy.

Other issues including arboriculture and biodiversity

- 6.43 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. The National Planning Policy Framework 2012 states that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”. It goes on to state that “when determining planning *applications, local planning authorities should aim to conserve and enhance biodiversity*” and “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. Appropriate

reports have been submitted with the application and the council's ecologist has recommended that conditions be imposed to ensure that works are undertaken in accordance with the recommendations and to secure enhancements proposed. The proposal would comply with this element of policy LD2 of the Core Strategy.

- 6.44 Policies LD1, LD2 and LD3 of the Herefordshire Local Plan - Core Strategy along with guidance contained within the National Planning Policy Framework seek to preserve important trees. A large proportion of the trees within Wigmore churchyard are identified on the Ancient Tree Inventory. The Parish Council has raised some concerns about the tree works proposed to facilitate the development. The Council's arboriculture officer has considered the proposals and raised some queries, but has formed the view that the proposed tree removals are acceptable and will be mitigated by replacement planting. Conditions are also recommended to ensure compliance with policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy.

Planning Balance and conclusions

Heritage

- 6.45 The application seeks the change of use of the Grade I listed Church of St James's Wigmore to a multi-purpose venue, known as the Wigmore Centre. Such beneficial use is described as the only viable means of ensuring the future maintenance of the building, which it is stated will otherwise close in the near future.
- 6.46 The officer's appraisal identifies two main issues relevant to the determination of this application. Firstly there are the heritage matters and Members will be aware of their statutory duties in respect of the listed building and wider conservation area. Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 rehearse the local authority duty when exercising its planning function to:
- a) have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses; and
 - b) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area.
- 6.47 It is clear that as a Grade I listed building St James's is a heritage asset of great significance. The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset '...great weight should be given to the asset's conservation' and that 'the more important the asset, the greater the weight should be.'
- 6.48 In order to make a decision in respect of the impact of the development upon the Grade I listed church itself, it is necessary to determine the degree of harm, if any, evinced. Substantial harm to or total loss of significance of a designated heritage asset should be refused unless it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all four of the stated criteria at paragraph 133 apply.
- 6.49 However, whilst Historic England and the amenity bodies voice their objection, it is nonetheless apparent that the harm to significance they identify does not fall within the purview of paragraph 133 i.e. those bodies do not appear to allege that the harm amounts to substantial harm to or total loss of significance. However, they are nonetheless stating significant objections which must, in the context that this is a Grade I listed building, tend towards the upper end of the 'less than substantial harm' spectrum that is dealt with by paragraph 134.
- 6.50 The Council's own heritage advisors conclude that whilst the scheme will evince harm, they consider the scheme to be less damaging to the heritage asset than Historic England and the amenity bodies, leading them to a position towards the lower end of the 'less than substantial harm' spectrum.

- 6.51 In any event, for a decision to properly follow the test prescribed at paragraph 134 it is necessary to consider whether the less than substantial harm to significance is outweighed by the 'public benefits of the proposal, including securing its optimum viable use.'
- 6.52 If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.
- 6.53 In this case, the public benefits derive, subject to the development receiving funding, from securing a re-use of the building that will provide a wider community resource and focus for community-led activity; the potential for greater and more diverse use and understanding of the heritage asset and consequent economic benefits that derive from uplift in visitor numbers.
- 6.54 Officers understand the concerns of those who comment that in the event the work is executed or even partially executed and the business model then fails, the outcome is an unnecessary intervention that should have been avoided. Again, Members are perfectly entitled to take viability of the proposed use into consideration as a material consideration.
- 6.55 Having regard to the expert heritage advice received, which encapsulates and refers to all relevant policies and guidance, officers hold the view that the heritage considerations in this case are very finely balanced. Whilst a number of objections persist in relation to the internal works, these are not for determination by the committee, as previously explained in this report. In relation to the external manifestation of the development proposal, officers are persuaded that the harm to significance tends towards the lower end of the less than substantial spectrum and that with regard to the public benefits arising, the unweighted balance at 134 i.e. harm to significance vs. public benefits, is passed.
- 6.56 Moreover, the scheme is not considered prejudicial to the character or appearance of the conservation area nor the setting of the Scheduled Monument and/or other designated and non-designated heritage assets.
- 6.57 Ultimately, if Members hold the view that the scheme *would* result in less than substantial harm to the significance of the asset that nonetheless *outweighs* the public benefits (including securing the optimum viable use), then they should object to the scheme on that basis.

Highway Safety

- 6.58 Whilst officers would acknowledge the public benefits of the proposed development the NPPF directs that decisions should take account of whether safe and suitable access to the site can be achieved. Where residual cumulative impacts of the development are considered to be severe, the NPPF directs that development should be refused. Accordingly decision makers should not consider the benefits of the development when forming a view on matters of highway safety.
- 6.59 The potential impacts of the development, along with the potential mitigation measures have been described above. These have not been subject to a road safety audit and officers cannot form an objective assessment as to their acceptability or effectiveness. Moreover a number of these measures rely on the incorporation of third party land not forming part of the application site to the effect that officers are not satisfied that long term and effective traffic management procedures can be maintained. Given the above stated concerns officers have no option but to conclude that the residual cumulative impacts of the development are severe and that the applications should be refused accordingly in that it conflicts with the guidance contained within paragraph 32 and with Policy MT1 of the CS.

- 6.60 Therefore, even if there was unanimity in terms of the heritage matters and an acceptance that the scheme is acceptable in that regard, then due to conflict with Paragraph 32 and Policies SS4 and MT1 the scheme should be refused in any event. In short, the concerns in respect of impacts relating to the safe operation of the public highway are in this case overriding and it would be incorrect to weigh the public benefits of the scheme (i.e. sustainable re-use of the heritage asset and potential increased tourism and economic benefits) against such highway-related harm.
- 6.61 Whilst recognising the very evident endeavour of the applicants in devising this scheme and responding positively to the various challenges presented, it is nonetheless the case that the proposal has drawn significant objection from heritage bodies and Members will form their own view in this regard. However, the evidence provided in respect of highway matters is, in the view of officers, compelling and in the absence of demonstrable and deliverable highway improvements such that refusal must be recommended.

RECOMMENDATION

That planning permission be refused for the following reason:

The application promotes the change of use and extension of an existing Grade I listed place of worship to create a multi-use venue allowing for continuation of the existing lawful use, along with A3 and D2 uses. The potential impacts of the development upon the safe operation of the public highway network have been identified, but the suggested mitigation measures have not been subject to a road safety audit and the local planning authority is unable to form an objective assessment as to their acceptability or effectiveness in mitigating these impacts.

Moreover a number of these measures rely on the incorporation of third party land not forming part of the application site to the effect that officers are not satisfied that long-term and effective traffic management procedures can be maintained. Given the above stated concerns officers have no option but to conclude that the residual cumulative impacts of the development are severe and that the application should be refused accordingly in that it conflicts with the guidance contained within paragraph 32 and with Policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031.

Decision:

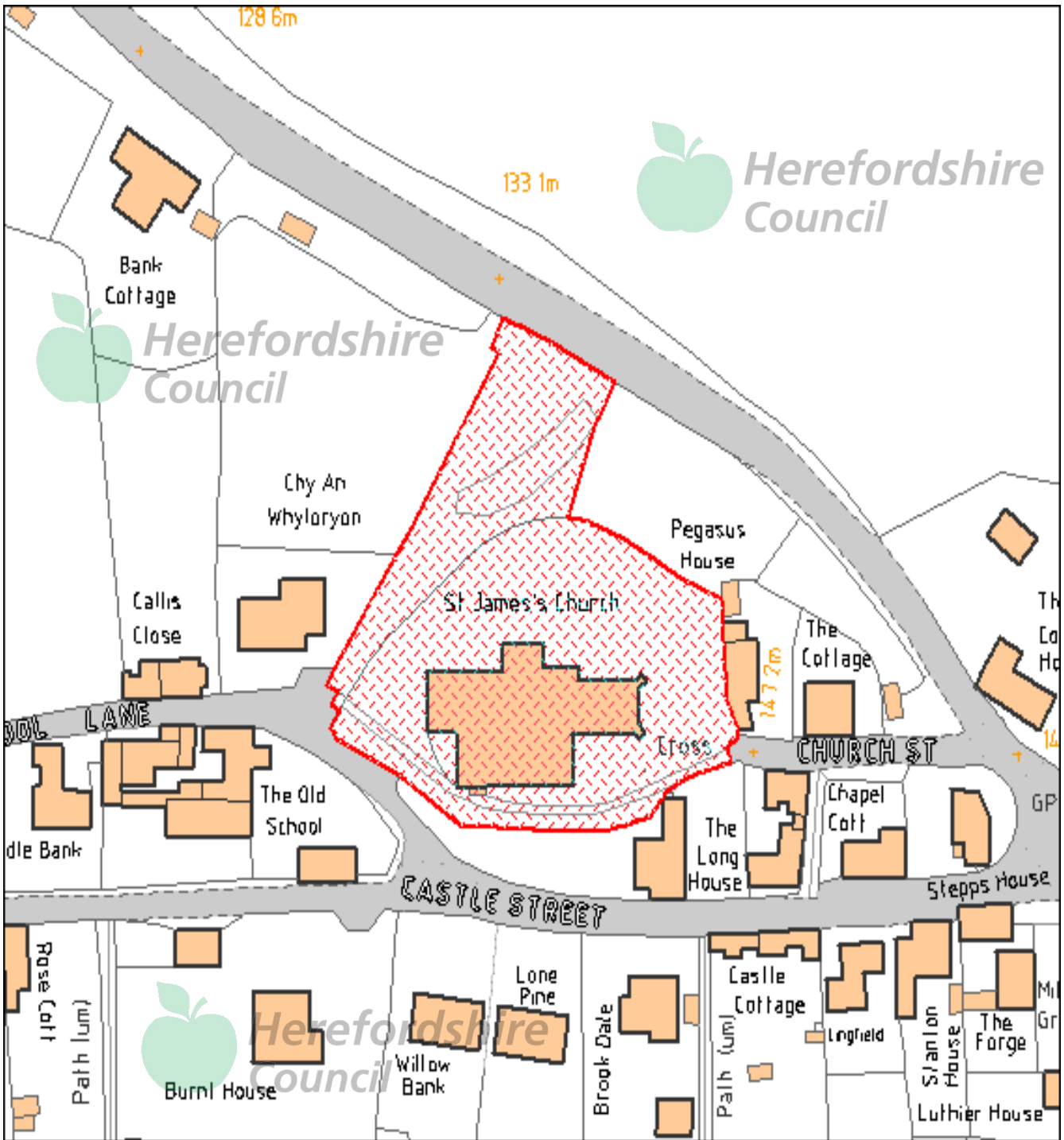
Notes:

.....

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781



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

APPLICATION NO: 174528

SITE ADDRESS : ST JAMES CHURCH, CASTLE STREET, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UD

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

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 MAY 2018
TITLE OF REPORT:	173385 - PROPOSED RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF For: The Owner and/or Occupier per Mrs Claire Rawlings, 10 The Maltings, Dormington, Herefordshire HR1 4FA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173385&search=173385
Reason Application submitted to Committee - Redirection	

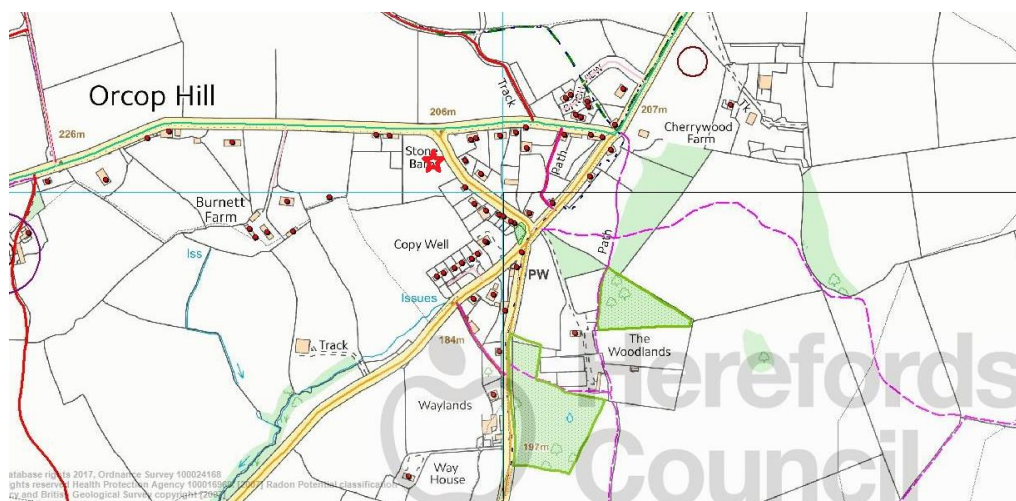
Date Received: 7 September 2017
Expiry Date: 6 April 2018
 Local Member: Councillor DG Harlow

Ward: Birch

Grid Ref: 347901,228033

1. Site Description and Proposal

1.1 The application site is located to the north west of the settlement of Orcop Hill in south Herefordshire. The site comprises an irregular shaped parcel of agricultural land that is 0.5 hectares in size. The site occupies a corner plot to the west of the junction between the C1235 and U71419 and is shown on the map beneath the red star. The residential properties of Holmlea and Stone Barn adjoin the site to the south and north, with agricultural land extending to the west. The site is currently laid to grass and has an established mature hedgerow on its eastern boundary.



Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 1.2 Across the application site the land rises gently from south to north, however beyond the application site the land falls steeply in a south westerly direction. In the north western corner of the site the land level is 106.0 falling to 99.6 in the south easterly corner.
- 1.3 The landscape character of the site and its surrounding area is typical of the forest smallholdings and dwellings typology, with fields defined by mature hedgerows and containing occasional hedgerow trees. The site is quite open in nature and is widely visible within a local context. The site has historically been used for the grazing of sheep, with current access obtained from an entrance immediately to the east of Stone Barn directly from the C1235.
- 1.4 This application seeks planning permission for 3 dwellings and is submitted in full. The proposed 3 dwellings are to be accessed via a joint access from the U71419, just north of the property Holmlea. The new access is to have a width of 4.8m and provides a visibility of 36m to the north and 32m to the south. The 3 detached dwellings are sited in spacious curtilages and are at levels which respect the existing land levels. The land to the rear of the properties which is shaded green on the block plan below, is to be a planted orchard, managed and shared by the 3 properties. The area will also accommodate the surface water drainage strategy which will be discussed in detail further on in the report.



- 1.5 Plots 1 and 2 are 4 bedrooms with a floor area of 136.08m². They are 'L' shaped with a detached double garage. The properties front onto the highway and have a typical symmetrical cottage fenestration with central doorway and windows either side. The main body of the property is to be constructed with local rubble stone walling under a natural slate roof. The windows are proposed to be timber flush casement windows painted black with timber framed doors also painted black. The detached garages are to be timber feather edge weatherboarding under a slate roof to match the main dwelling. Plot 1 has a proposed finished floor level of 105.640m AOD whilst plot 2 has a finished floor area of 102.990m AOD.
- 1.6 Plot 3 which is positioned to the south of the site is a 3-bedroom dwelling and is rectangular in shape with a principal elevation fronting on the highway. It has been designed with a detached single garage off its south elevation which will accommodate an en-suite above within the eaves for the master bedroom on the first floor. The dwelling has a floor space of 121.33m². The proposed dwelling again has a typical cottage style fenestration, however, with dormers on the first floor. The proposed materials are the same as proposed for plots 1 and 2, with the attached garage clad in feather edge weather boarding. The finished floor level is 100.850m AOD.

- 1.7 During the course of the application the drainage strategy for both foul and surface water has been changed following further investigation carried out by the applicant's drainage consultants. The further investigations concluded that there was no scope for use of soakaway drainage (for surface water disposal) or drainage fields (for disposal of partially treated foul effluent discharged from package treatment works) as was originally proposed in the initial submission. The drainage strategy was therefore amended in line with Building Regulations Part H, with surface water being dealt with via a gravity fed pipework discharging via a proprietary flow control device located within the rear garden of each dwelling. The device will limit the discharge to an underground geocellular storage tank which will accommodate all flows arising from the 30 year return period storm event. The attenuated discharge from each dwelling will be disposed of to a shallow-sided grassy swale which runs the perimeter of the adjacent communal orchard area and discharge to the existing ditch to the south of the site. Within the swale a series of check weirs/dams will be provided across it to help slow the flow within the swale in accordance with best practice design guidance.
- 1.8 Foul drainage is now proposed to be discharged via a gravity fed pipework to a sealed cesspool tank for each dwelling. Each cesspool is located a minimum of 7 metres from the habitable parts of the dwellings and located so as to give access to the tankers when emptied. Each will be required to be emptied every 45 days by an authorised waste carrier and have been designed and sized in accordance with the requirements of Building Regulation Part H.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

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
RA1	-	Rural Housing Strategy
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire's countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
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	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

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 following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable communities
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment
Section 12	-	Conserving and enhancing the historic environment

2.3 Orcop Neighbourhood Area was designated on 18 July 2013 and a plan is in the process of being drafted. The NDP does not have any weight for the purpose of decision making on planning applications.

3. Planning History

On site

3.1 SH950741PO – Erection of 3 no dwellings, shop with residential accommodation over and highways improvements. Refused

The application was refused as it was not considered a natural extension to the settlement at the time and was a scale which was considered not to sustain the rural community. There was also considered to be inadequate facilities and the application had not demonstrate that there was appropriate and satisfactory arrangements for the disposal of sewage.

3.2 SH940595PO – Erection of 4 dwellings. Refused

The application was refused for similar reason as that of application SH950741PO which are described above.

Recent housing application southeast of application site

3.3 172940/RM - Application for approval of reserved matters following outline permission 161771 (Site for proposed replacement of a fire destroyed dwelling plus the erection of 2 dwellings (total 3 dwellings).

Application refused due to its cramped layout, scale and design being detrimental to the character and appearance of the area, as well being detrimental to the residential amenity of existing properties.

Application was dismissed on appeal (APP/W1850/W/17/3187314), with the Inspector agreeing with the Councils opinion that the scheme would be harmful to the character and appearance of the area.

4. Consultation Summary

Statutory Consultations

Welsh Water – No objection

4.1 As the applicant intends utilising a private treatment works 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.

However, should circumstances change and a connection to the public sewerage system/public sewerage 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.

Environment Agency – No specific comments provided

- 4.2 I refer to the proposed development on land at Newcastle Farm in Orcop. The Environment Agency were not initially consulted on the application and do not provide comment on proposals of this scale utilising a non-mains drainage option. I would refer you to our Foul Drainage Assessment Form and recommend you seek the comments of your Environmental Health and Building Control Colleagues.

The form makes references to a hierarchy of options, in the absence of a mains foul sewer connection. On matters relating to foul water infrastructure we have engaged on a strategic level which has, in part, influenced creation of Core Strategy Policy SD4 (Wastewater Treatment and river water quality).

I note that the applicant is now looking to utilise a Cess Pit as oppose to a treatment plant/soakaway option. As highlighted in the Building Regulations (Approved Documents H) a Cesspool is deemed the least sustainable option in the absence of a mains foul sewer connection but may be considered if there are no alternative solutions. This view is supported in your Core Strategy which states that *“the sensitivity of Herefordshire’s environment is such that the use of cesspools should be avoided, however if this is deemed to be the only option then a rigorous assessment of potential effects will be required”* (para 5.3.70).

However, as stated above, we would not comment on an application for three dwellings with a non-mains option. I would therefore recommend you seek the views of your Building Control Officer and consideration of the abovementioned Building Regulations Waste Document, with regards the suitability of the Cesspool.

- 4.3 **Natural England** – No objection (Comments received in response to amended drainage strategy on 17th March 2018)

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments. An appropriate surface water drainage system should be secured by condition or legal agreement. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Internal Council Consultations

4.4 Conservation Manager (Ecology) (November 2017)

Thank you for consulting me on this application. I have read the ecological report accompanying the application and agree with its findings and proposals for mitigation with enhancement. If this is to be given approval I suggest the following non-standard conditions should be added:

The recommendations for species' mitigation set out in Section 8 of the recommendations of the ecologist's report from Starr Ecology dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species including reasonable Avoidance Measures for great crested newts should be submitted in writing for approval to the local planning authority. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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).

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).

The recommendations set out in Section 9 of the ecologist's report from Starr ecology dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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).

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).

4.5 Conservation Manager (Landscape) (November 2017):- No objection subject to conditions

The site of the proposal is located off the Village Link Road at Orcop Hill, currently pasture land bounded by hedgerow, it forms part of a larger field with a distinct south west facing slope. In terms of landscape character it lies within the Forest smallholdings and dwellings character type, defined as; *"intimate, densely settled landscapes characterised by strings of wayside cottages and associated smallholdings. They nestle within a complex matrix of pastoral fields and narrow lanes, often defined by prominent dense hedges with hedgerow trees."*

The proposal is for the development of 3 dwellings continuing the adjacent wayside pattern. I have visited the site with the planning officer and read the landscape appraisal. Whilst I have not commented formally until this point I have held ongoing discussions with the case officer regarding the least intrusive access point, the scale form and external materials for the built form as well as the most appropriate treatment of the remainder of the field. I am satisfied that from the development proposals have been informed by the local character; they work with the settlement grain, the built form relates to adjacent development and the proposed access point whilst not providing access points does serve to minimise hedgerow loss.

Clearly given the topography of Orcop Hill there will be opportunities to view the development however I am satisfied that the adverse effects will not be significant because of the design approach taken. This in conjunction with the proposed mitigation as shown within the emerging landscape masterplan will assist in assimilating the built form into the surrounding environment.

I would therefore recommend a condition be applied requiring the submission of a detailed landscape plan which implements the proposals shown within the appraisal in conjunction with a further condition for the management of the planting for a period of 10 years.

4.6 **Transportation Manager (October 2017):- No objection subject to conditions**

Proposal acceptable, subject to the following conditions and / or in formatives:-

To meet the appropriate guidance of visibility splays, using the 85thtile speed equates to 35m in both direction. MfS 2 allows for a running lane as the vehicle will be in the centre of the road and not along the edge of the carriageway, therefore these distances can be achieved. To allow for the increase in vehicles using the lane, the access should be built to HC road specification construction to allow for the access to be used as a passing bay, therefore in terms of the highway impact of the development the proposals would not be classed as severe.

Please add conditions as follows: -

- Visibility Splays - 35M X 2.4
- Vehicle Access Construction
- Driveway Gradient
- Access, turning area and parking
- Wheel washing
- Parking for site operatives
- Secure covered cycle parking provision

4.7 **Neighbourhood Development Manager – No Objection**

Orcop Neighbourhood Area was designated on 18 July 2013 however little progress has been made on the neighbourhood development plan to date and there is no draft plan available.

Therefore the policies of the Core Strategy would be relevant to this application.

Orcop Hill is contained within the lists of settlements related to policy RA2. Therefore development is permitted within or adjacent to the built form in accordance with policy RA2.

The proportional growth for the parish of Orcop is 26 and as at April 2017 there had been no dwellings built and 6 commitments leaving a residual of 20 units within the plan period.

4.8 **Environmental Health (Noise & Nuisance) – No objection**

My comments are with regard to potential noise issues that might arise from development. From a noise perspective we would normally require that all new housing development undertakes a pre-app initial noise assessment to establish background day and night time noise levels This would be in accordance with the a Stage 1 Initial Site Noise Risk Assessment as outlined in the methodology contained in ProPG: Planning and Noise.

However, it is known by the authority that background noise levels in this locality are extremely low so on this instance specifically this is not requested.

4.9 **Environmental Health (Air pollution) – No objection**

Please find my comments below regarding the Newcastle Planning application for three residential dwellings in Orcop Planning Ref 173385, in respect of air quality: Due to the rural location of the application site, the background levels of pollutants would be generally low. Therefore significant increases in traffic and emissions would be required for air quality action levels to be breached.

The IAQM guidance recommends that an air quality assessment should be required where there is a change in Light Duty Vehicle movements (outside an Air Quality Management Area)

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

of more than 500 AADT (annual average daily trips) or more than 100 AADT for Heavy Goods Vehicles. Therefore, in relation to this application, there would be no requirement to ask for further assessment in respect of transport emissions.

Local Air Quality Management Guidance (TG 16) identifies what may warrant consideration in respect of air quality; emissions from cesspits are not mentioned within this guidance, and therefore cannot be considered as a major source of air pollution.

Having considered the above information, I have no adverse comments to make in respect of the application in relation to air quality.

However, good design of developments should be promoted to reduce any potential emission sources. If planning permission were to be granted, an inclusion of a planning condition requiring the developer to install electric vehicle charging points for each property should be considered.

4.10 Land Drainage - No Objection

Initial response 30th October 2017 further information requested

Introduction

This response is in regard to flood risk and land drainage aspects, with information obtained from the following sources:

- Environment Agency (EA) indicative flood maps available through the EA website.
- EA groundwater maps available through the EA website.
- Ordnance Survey mapping.
- Cranfield University Soilscales mapping available online.
- Strategic Flood Risk Assessment for Herefordshire.
- Core Strategy 2011 - 2031.

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

- Application for Planning Permission;
- Location Plan (Ref: E001 Rev A);
- Existing Site Plans (Ref: E003 Rev A);
- Ground Investigation Report (Ref:);
- Outline Drainage Strategy (Ref: D01 Rev A);
- Soakaway calculations (plots 1-3, 10 & 30 year event design).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), October 2017



Overview of the Proposal

The Applicant proposes the construction of 3 dwellings, associated parking and access road. The site covers an area of approx. 0.50ha. The topography of the site slopes steeply from approx. 106.2m AOD in the northwest of the site to approx. 98.5m AOD in the southeast.

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. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk

Surface Water Flood Risk

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

Other Considerations and Sources of Flood Risk

It has been brought to our attention through the ground investigation report and public objections that the site contains spring(s) and the ground is often saturated in the southwest of the site. It has also been stated that the ditch takes runoff from the spring.

The Applicant needs to consider the risk of flooding to lower lying land. Consideration should be given to the flow routes. It may also be necessary to raise the thresholds of the proposed development to ensure that the dwellings are not at risk of overland flow from higher land. 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

Ground investigations have been undertaken at this site. Soakaway test pit 1 demonstrated that infiltration at this location is negligible (north east of the site). A spring was identified in the south west of the site. An infiltration rate of $7.2 \times 10^{-6} \text{m/s}$ (0.02592 m/hr) was determined in the deep soakaway test for soakaway test pit 2.

An infiltration rate of 0.02592m/hr has been used in the design of soakaways 1 – 3. This infiltration rate is not representative of the true infiltration at the locations of the proposed soakaways.

The Applicant has provided calculations to demonstrate that soakaways have been designed for the 1 in 30 year event. The calculations for soakaway serving plot 3 design assumes that only runoff from 90m² will reach the proposed soakaways within the first 4 minutes. The remaining 230m² are assumed to reach the proposed soakaways within 4 to 8 minutes. Similarly for soakaway 2, it has been assumed that 140m² will reach the soakaway within the first 4 minutes, the remaining 120m² is assumed to reach the soakaway within 4-8 minutes. Ordinarily it is assumed that all runoff from a dwelling will reach the soakaway within the first 4 minutes. The Applicant must state why a different assumption has been made for this site. Longer time of entry is normally provided for flatter sites, however this site is steeply sloping.

The Applicant has also used a safety factor of 1.5 for the 30 year design and a safety factor 1 has been used for the 10 year design. A safety factor of 2 should be used for residential developments. The Applicant should redesign the surface water soakaways ensuring that suitable infiltration rates are used – it may be necessary to obtain infiltration rates at the locations of each proposed soakaway. The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system.

Foul Water Drainage

It is proposed that each dwelling will be served by a package treatment plant from which the treated effluent will be disposed of via soakaways. We appreciate that the spreaders are connected to allow for continuous flow of treated effluent to prevent build-up of debris. We also appreciate that the spreaders have been laid in line with the topography of the land to ensure that the gradient of the perforated pipes will be no steeper than 1:200.

It appears that the drainage fields are located outside of each dwellings allocated land. The Applicant should ensure that the land on which the drainage fields are located will be owned by the respective home owners.

The Applicant has not provided any calculations to demonstrate how the drainage fields have been sized. We note there are difficulties with infiltration rates across the site. It may be necessary to remove plot 3 from the proposals to ensure sufficient land is available to infiltration the treated effluent from plots 1 and 2.

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission:

- Provision of a detailed foul drainage strategy including calculations to demonstrate that the drainage fields have been accurately sized using suitable infiltration rates. It may be necessary to undertake infiltration testing in accordance with BS6297 at each drainage field location. It appears that the drainage fields are located outside of each dwellings allocated land. The Applicant should ensure that the land on which the drainage fields are located will be owned by the respective home owners.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Redesign a detailed surface water drainage strategy (please review comments above) with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding 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;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;

Following a further investigation carried out by the agents drainage consultants a revised scheme was submitted which is outlined in section 1.7 above. The following comments were then received from the Councils Drainage Consultants.

This response builds on our previous comments dated 30th October 2017 following the submission of additional information:

- Micro Drainage submissions for Plot 1 and Plot 3 storage tanks;
- Environmental management Solutions Soakaway Report dated 19th January 2018;
- Tumu, Outline Drainage Strategy Revision B dated 31st January 2018;
- Outline Drainage Strategy (Ref: DO1 Rev B);
- Representations on Herefordshire Council website

Overall Comment

We currently object to the proposals. Further information is given below.

Foul Water Comments

We currently object to the proposals of using cesspits for disposal of foul water. Through previous discussions with the Environment Agency, there is a national policy to eliminate tankering on new sites. In addition to this, due to the high groundwater level, we consider that the use of cesspits is not appropriate due to the risk of groundwater entering the cesspits and causing foul flooding.

Surface Water Recommendations

Redesign of the attenuation tanks to ensure that they are designed to cope with the 1 in 100 + 40% climate change event. Micro Drainage outputs for the tank serving plot 2 should also be supplied. A safety factor of 2 should be applied to all tanks.

Further details regarding the swale design and check weirs within the swale should be provided, including cross sections and long sections. The Applicant should consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Flow paths should be considered and demonstrated. The Applicant should also confirm the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

Following further amended plans relating to the redesigning of the surface water drainage as requested by Drainage the following comments have been received which confirm that they no longer object to the proposal;

Foul Water Comments

The Applicant has followed the hierarchy and it has been proven that the preferred methods of foul water disposal are not viable at this site. The final and least preferred option of cess-pits is proposed. The Applicant has proposed to provide separate cess-pits to serve each dwelling. As the hierarchy (as outlined in the Core Strategy Policy SD4) has been followed, an exception can be made to allow the use of cess-pits at this site.

The Applicant must be aware of the risks associated with the high groundwater level. It has been confirmed that the cess-pits will be located a minimum of 7m from habitable buildings. This is in accordance with the Building Regulations Part.

We consider it appropriate to alert the owner of the cess-pits to the risks associated with the high groundwater levels and thus potential foul flooding.

Surface Water Recommendations

The Applicant has now suitably redesigned the attenuation tanks as requested previously. In addition to this, the Applicant has provided cross sections and long sections for the swale design and check weirs. The flow paths on site have also been considered and demonstrated to be directed away from any buildings.

The Applicant has confirmed that the drainage systems will be privately owned by the respective property owners. They will be responsible for the management and maintenance. It may be that the responsibility is passed onto specialist third-party management as appointed by the relevant property owners.

5. Representations

5.1 Orcop Parish Council - Objection

In relation to The Core Strategy policies the proposed development of 3 residential dwellings does not demonstrate that it complies with the following Core Strategy policies and the requirements of the NPPF. Core strategy policies SD1, LD1 & LD4 set out the key principles in terms of scale, layout and appearance of new development. In summary these require proposals to demonstrate that the landscape and built environment have positively influenced design, scale nature and site selection. The setting of heritage assets (including non-designated assets) should be protected, conserved where ever possible enhanced under CS policy LD4.

The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental role) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.

The NPPF confirms the importance and desirability of the significance of assets. Where harm would result the NPPF sets out the relevant tests to be applied. In the terms of sustainable design policy SD1 requires new buildings to maintain local distinctiveness through the incorporation of local architectural detailing and materials and respecting scale, height proportions and massing of surrounding development.

The proposal for 3 residential dwellings by virtue of its design, scale, mass, and siting has not taken into account the form of, layout, character and setting of the site and its rural location. The proposal is not considered to make a positive contribution to the character and appearance of the rural location or wider landscape area.

As such Policies RA2, LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy are not complied with or the relevant aims and objectives of the National Planning Policy Framework.

Core strategy Policies SS1, SS4, SS6, RA2 and RA3. The proposal is contrary to Policies SS1, SS4, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2015) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.

Core strategy Policies SD3 & SD4. The proposal is contrary to policies SD3 & SD4 as there are a number of issues surrounding the matter relating to "Sustainable Water Management and Water Courses" in relation to the proposal.

Local residents living near the proposed development have highlighted these issues in their responses / comment that have been submitted to Herefordshire Council and the Parish Council concur with the drainage, water course and sustainable water management issues as outlined within the comments made by residents relating to these policies.

Core strategy policy MT1 and the NPPF require proposals to provide safe access, and 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.

The proposal is contrary policy MT1 and the NPPF as the proposed development is accessed off an unclassified single-track road on which is very narrow, and it is not possible for 2 cars to pass. The level of impact with regard to the increased traffic created by the proposed development would have an adverse impact on the road safety on Wilkes Row.

At the Extra Ordinary Meeting of Orcop Parish Council on 25/10/2017 22 residents of the parish attended the meeting to outline their concerns and objections in relation to the proposal and many of those present have submitted their comments to Herefordshire Council. The Parish Council asks that consideration is given to these valid, important and relevant comments relating to drainage and spring issues that they have highlighted which warrant consideration in relation to proposed development and the immediate area surrounding it. In the light of the amount of public interest in the application and proposed development The Parish Council have asked the ward Councillor to request that the application is called into Herefordshire Council Planning Committee for determination.

Following the submission of the amended drainage strategy the Parish Council were consulted further and provided the following comments:

Orcop Parish Council's further comments on re consultation of 173385 Land at Newcastle Farm Orcop Herefordshire The Parish Council have already made comments and have lodged an objection relation to this application We would also make further comments concerning the re consultation on the application. These being that the proposed development is unsustainable, will have a detrimental impact upon the character, environment, drainage, local roads, and highway safety of the area. We would reiterate again that he application is not compliant with the following core strategy policies SS1, LD1, LD4, RA2, RA3, SS4 ,SS6, SD3 & SD4. The Parish Council concur with comments and objections submitted by residents. They reflect the considerable and valid concerns and objections relating to drainage and the proposed septic tanks of the development and the comments from the residents must be taken into account when considering the application.

- 5.2 In the first round of consultation **20 letters of objection** were received plus a petition of 44 signatures from those who were opposed to the development. The contents of these can be summarised as follows:

Highway Safety

- Accessibility poor with narrow roads and limited visibility at near by junctions
- No consideration given to pedestrians – conflict of users with no footway
- No passing bays along highway with existing residential drives used to pass vehicles

- The already granted planning permissions on 2 other sites off the Wilkes Row with this one if approved would increase traffic along the highway by 100%
- Highway previously deemed unsafe in applications SH940595PO and SH 950741PO
- Significant increase in vehicles during construction and operation which would have an adverse impact on the local highway network.

Landscape Character and visual amenity

- The scheme represents a cul-de-sac development which is not in keeping with the area
- No consideration given to the safeguarding of farming;
- Detrimental to the general character and setting of the settlement and wider landscape
- Scale and massing of the houses to large in comparison to those which surround the site
- Similar design is not a characteristics in the settlement

Drainage and Flooding

- Site unsuitable principally as the field is prone to periodic flooding due to southwest sector of the site being constantly waterlogged by existing springs
- Soakaway for plot 3 being over an area affected by spring activity
- Limited space available for drainage fields
- Surface water drainage on fields and disposal of treated effluent will interfere with existing underground drainage and springs
- Proposed development will direct water towards lane where flooding already an issue
- The proposed scheme has the potential to cause water pollution in local area as the site has poor infiltration
- The proposal will disturb the natural flow and treated effluent infiltration into the ground
- Culverts and ditches in local area are already often blocked and overflowing
- Development will increase surface water flooding in area due to scale of hard surfacing proposed
- Application does not confirm who will take responsibility for the drainage strategy should it go wrong
- Potential risk of effluent seeping into the land due to ineffective drainage
- Infiltration tests were not taken or carried out in accordance with the correct standards
- Development of the land could change the water environment and could result in an increase in flooding.

Amenity and Privacy

- Proposed development would result in a loss of light and privacy to adjoining properties
- Impacts of noise and disturbance from increased number of properties

*Following the submission of the amended drainage strategy a **further 26 representations** were received 15 of these were from people who have previously made representations. It should also be noted that many of the objectors have submitted a number of objections during the process of the application. These representations were largely in relation to the changes in the drainage strategy and are summarised below:*

- The use of cesspools is inappropriate and unsustainable in this location being isolated from any Waste Water Treatment Plants (nearest Rotherwas or Ross);
- Cesspools are banned in Scotland and other countries and are generally only ever seen as a last resort;
- The tanks will emit sewerage smells into the atmosphere which will be detrimental to the amenity/enjoyment of existing residents and detrimental to their quality of life;
- The tankers will generate significant noise whilst on site emptying ~ (average of 30-45 minutes for each tank);
- The tanker will generate 3 additional large HGV movements every 45 days on narrow country roads which are not suitable and need resurfacing and the additional traffic movements will be hazardous and unsustainable;

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Manoeuvring into and out of site restricted and not suitable for tankered vehicles;
- No confirmation or explanation as to who will be responsible for the maintenance of the drainage strategy;
- General quality of life for all residents and enjoyment of the countryside will be harmed if cesspools are supported;
- Cesspools have a considerable cost associated with them which makes the development unsustainable;
- There is already pollution in streams from other septic tanks in the area which are not maintained; No exceptional circumstance demonstrated including the need for additional homes;
- Swale proposal for dealing with the surface water will generate a risk of flooding to properties to the south;
- Neighbouring properties have already been affected by the drainage tests which have been carried out with subterranean flows redirected across the field and causing spring activity.
- The development is contrary to Balfour Beatty SuDS Handbook dated February 2018 which states that cesspools will not be allowed.
- Residential have no faith in applicants drainage consultant due to different results from filtration tests;
- Cesspools represent an unacceptable risk for future generations in connection with the contamination of ground water which can last for generations with leaks going unnoticed;
- Unacceptable risk and threat to the wider environment
- Risk of failure given the high water table and ground conditions
- Allowing the use of cesspools will set a precedent in the area when the percolation testing has demonstrated poor land drainage and therefore the solution should be no 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=173385&search=173385

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

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

6. Officer's Appraisal

Principle of development

6.1 S38 (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 The National Planning Policy Framework (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 in regards people's quality of life. The NPPF is a material consideration in the assessment of this application.

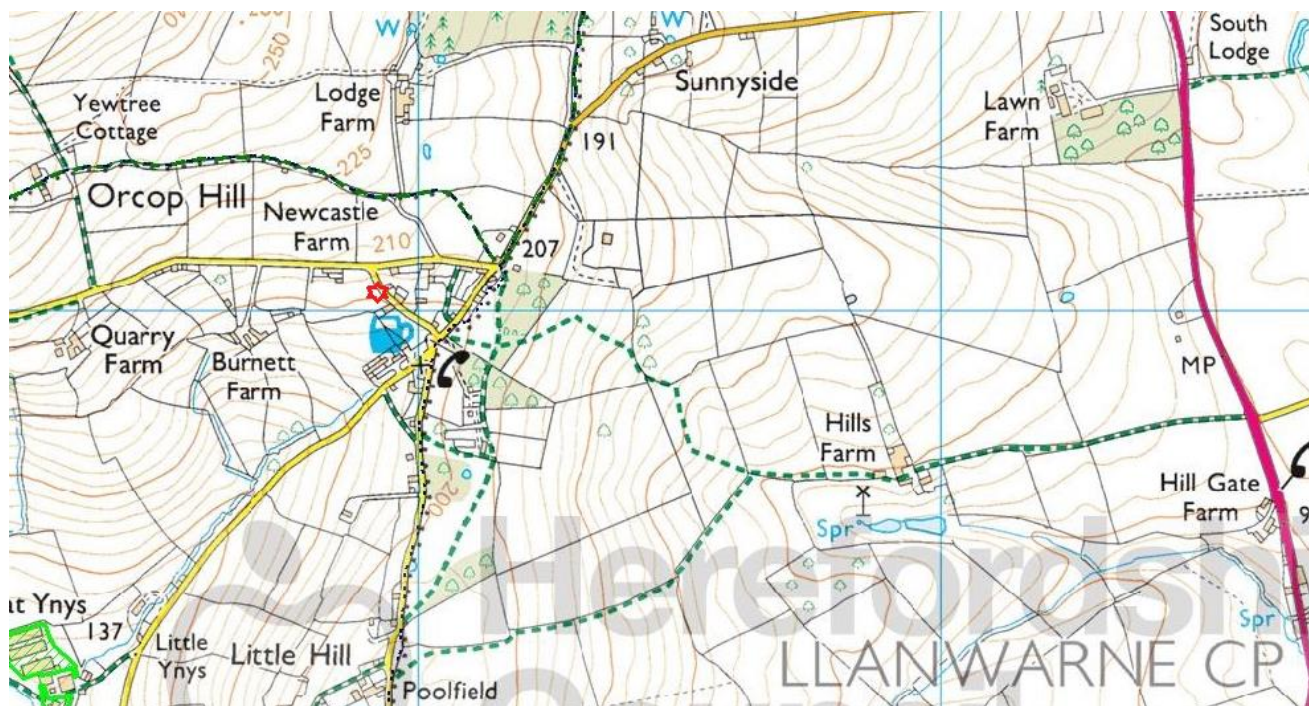
6.3 Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

- 6.4 The NPPF sets out 12 core land-use planning principles in paragraph 17 which should underpin decision taking. These include the principle to ‘proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving places that the country needs’. Amongst the core planning principles set out in paragraph 17 of the Framework are that plan making and decision taking should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.5 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF and Core Strategy policy SS1 to engage the positive presumption in favour of the proposal. The Government’s definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17.
- 6.6 The Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 ‘test’ where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether “any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.
- 6.7 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 ‘Delivering new homes’ confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.” Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS out-of-date.
- 6.8 Policy SS3 ‘Ensuring sufficient housing land delivery’ thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4 of the CS. Since the adoption of the CS in October 2015, the Council has been unable to demonstrate a 5-year housing land supply. As set out in paragraph 49 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date. As established in recent case law (*Suffolk Coastal DC v Hopkins Homes* [2016] EWCA Civ 168) in practice this means that it is for the decision-maker to decide how much weight to apply to such policies, because paragraphs 14, 47 and/or 49 do not stipulate this. As of April 2017 the latest position with regard to the housing land supply in Herefordshire is 4.54 years.
- 6.9 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present proposal. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. In reaching a decision upon new residential development, the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission
- 6.10 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly prescribes a ‘*presumption in favour of sustainable development*’ as the golden thread running through the NPPF and that in respect of decision making this means approving development proposals that

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

accord with the development plan without delay unless 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 or specific policies in the NPPF indicate development should be restricted. This goes back to the weight to be afforded to policies relevant for the supply of housing absent a 5 year supply with buffer. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 55). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy are wholly consistent with the NPPF, although the weight they attract will be dependent upon the specific circumstances of each application; which absent an NDP will include the site's location relative to the main built up part of the settlement and the housing land supply within the parish itself.

- 6.11 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. The remaining 5,300 dwellings are distributed in the rural settlements which are identified in policy figures 4.14 and 4.15 within the place shaping section of the CS.
- 6.12 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. Orcop Hill is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14. The Parish of Orcop lies within the rural part of the Ross-on-Wye HMA, which is tasked with an indicative housing growth target of 14% (1150 dwellings). The Neighbourhood Development Officer has confirmed that the proportionate growth for the parish is 26 and as of April 2017 there had been 0 dwellings built and 6 commitment, leaving 20 remaining across the parish. This application for 3 dwellings would contribute to the minimum indicative target for the parish.
- 6.13 The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Inspector's Report on the Core Strategy Examination makes clear that a flexible and responsive approach is necessary to deliver the level of development sought, whilst recognising and respecting the rural landscape. The Modification proposed, and now incorporated within the adopted Core Strategy, leaves flexibility for NDPs to identify the most suitable housing sites.
- 6.14 In the absence of a NDP for the Parish policy RA2 is the determining policy making provision for housing in rural settlements. The policy directs new housing developments to the main built up part of a settlement. Where the application site is found to be within or adjacent to the main built up part of an identified settlement, it is then necessary to assess the proposed development against Policy RA2 which requires that development reflects the size, role and function of the settlement; makes use of brownfield sites where possible; is of high quality, sustainable design which is appropriate for and positively contributes to its environment; and that the size and type of housing reflects local demand.
- 6.15 The application site is indicated on the map below by the red star. The site is contiguous with the north-eastern edge of Orcop Hill and thus would be considered 'within or adjacent to' the settlement. Like many of the figure 4:14 'settlements' Orcop Hill does not have a typical nucleated centre and development is relatively low density, with limited local services. In my opinion, the main built up area to Orcop Hill is that which surrounds the Fountain Inn. On this basis, I consider the application site to be adjacent to the main built up area and consequently fall to be considered against CS policy RA2 and other associated policies. The development would represent an acceptable spatial growth of the settlement and therefore would accord with Policy RA2 as set out above.

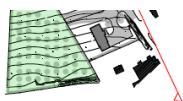


- 6.16 Having established that the principle of development at this location is acceptable it falls to consider the proposal against the remaining specific/ relevant policies of the CS to establish whether there are any adverse impacts associated with the proposed scheme, which would weigh against its established benefits and ultimately, whether or not the application proposal is representative of sustainable development on the basis of the tilted balance described by the NPPF.
- 6.17 Having regard to the Development Plan and other relevant material considerations I am of the view that the main issues relevant to the determination of this application are as follows:-
- a) The appropriateness of the scale, design and appearance of the dwellings;
 - b) The impact of the development of the landscape character and visual amenity of the area;
 - c) The appropriateness of the surface and foul drainage techniques proposed;
 - d) The impact of the development upon the local highway;
 - e) Other matters raised by consultees and interested persons, including the effect on the living conditions of nearby residents.

The appropriateness of the scale, design and appearance of the dwellings

- 6.18 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Other than the policies that are relevant for the supply of housing, other CS Policies continue to attract full weight. In considering the design and scale of the proposed dwellings, policy SD1 which deals specifically with sustainable design and energy efficiency is the relevant policy.
- 6.19 Policy SD1 requires new development proposals to create safe, sustainable, well integrated environments for all members of the community by ensuring that proposals make efficient use of the land, are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respect scale, height, proportions and massing of surrounding developments.

- 6.20 The application site occupies an elevated position immediately to the North West of the property 'Holmlea' which is a detached stone cottage under a tiled roof which is positioned perpendicular to the highway. To the east of the site on the opposite side of the highway is a detached red brick bungalow under a tiled roof. Adjoining the site to the north west is the converted 'Stone Barn' a detached converted property of stone construction with timber boarding under a slate roof. As a whole, Orcop Hill is a settlement which consists mostly of detached properties, with a wide variety of sizes, ages and positions within their plots. There are some semi detached properties to the south west of the Fountain Inn as well as some to the north east of the application site.
- 6.21 In a recent appeal decision on a site just south of the application site APP/W1850/W/17/3187314), the Inspector identified that overall, *'there is a distinctive verdant and relaxed character which prevails in the settlement which is due to the proximity of open fields, with properties enjoying large gardens and significant spaces between dwellings'*. The Inspector also considered that the character of the area was largely informed by the topography, which slopes down from north and south, and I consider this to be especially true of the application site, with the settlement being situated within a narrow section of the valley affording for views from across the valley from the U71419 highway and PROW LW19 and OC19, as well as from the u71418 the highways at the bottom of the valley.
- 6.22 The application site totals 0.5ha in area. The three proposed dwellings consist of 1 x 3 bedroom property and 2 x 4 bedroom properties. The 3 bedroomed property has a floor area of 121.3sqm (not including the integral garage); whilst the plots 2 and 3 floor area of 156.72sqm. As is evident from the proposed block plan in section 1 of this report, in the context of the site and its surroundings, these are considered to be reasonable sizes, comparable to other existing dwellings within the settlement.
- 6.23 Each of the dwellings is set back from the highway and is to be accessed via a central access point. The levels of the dwellings reflect the existing ground conditions, with the finished floor levels rising from south to north. As illustrated in the street scene below, the heights are reflective of the dwellings located either side. Each dwelling has a generous plot size and is set back from the highway. I do not consider that the properties would appear prominent in the street scene or cramped within the site. They have a similar scale and massing to the other surrounding properties. Although the 3 properties have a similar appearance to one another, the materials proposed are considered to be appropriate and will not detract from the character of the settlement.



- 6.24 The scale and design of the proposed dwelling is considered to be of a form that is acceptable in the context and that would preserve the character of the locality. Overall I have not detected any conflict with policy SD1 in relation to the layout, scale and design of the proposed dwellings.

The impact of the development of the landscape character and visual amenity of the area;

- 6.25 Policy LD1 requires that the character of the landscape and townscape has positively influenced, *inter alia*, the design and scale of the proposal and incorporates new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.26 Policy LD3 requires that development “should *protect, manage and plan for the preservation of existing and delivery of new green infrastructure...*”
- 6.27 Orcop Hill is not subject to any landscape designation. The application site is an area of improved grassland bounded by a mature established hedgerow that is grazed by sheep. The site has up until recently formed part of a larger field with a distinct south west facing slope. In terms of landscape character it lies within the forest smallholdings and dwellings type, defined as; *intimate, densely settled landscapes characterised by strings of wayside cottages and associated smallholdings. They nestle within a complex matrix of pastoral fields and narrow lanes, often defined by prominent dense hedges with hedgerow trees.*
- 6.28 It is evident that the proposed development will change the character of the site. Policy LD1 states that ‘ *Development proposals should....demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas*’. Likewise it is an NPPF Core planning principle that development should always seek ‘to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 57 says it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.29 Paragraph 58 enlarges on this and aims to ensure that developments will function well and add to the overall quality of the area, establishing a strong sense of place, using streetscapes and buildings to create an attractive and comfortable place to live, work and visit. However, the paragraph also aims to ensure that whilst development should respond to local character and surroundings, they should also not prevent or discourage appropriate innovation.
- 6.30 In the case of the dwellings proposed, the layout is considered to follow the grain of the linear residential dwellings along Wilkes Row wrapping around the corner to link with the dwellings along the C1235. The roadside hedgerow will remain, other than at the point of access, around the perimeter of the site, with new native species trees and hedgerows around the boundaries of each plot. To the rear of the site, orchard planting is proposed in an area which will become a communal area which will also accommodate the surface water treatment.
- 6.31 The Landscape Appraisal which has accompanied the application has considered the site conditions, opportunities and constraints of the site against its landscape character and planning context. In summary the appraisal concludes that the extent of native hedgerow planting on the site will be increased providing new green infrastructure and wildlife corridors. Overall the Council’s Landscape Officer is satisfied that the scale, layout and external materials for the built form, as well as the proposed boundary and field treatment are appropriate within the landscape setting.
- 6.32 Given the topography of Orcop Hill there will be opportunities to view the development within the wider landscape and the introduction of 3 detached dwellings will change the character of

the site. However officers are satisfied that the adverse effects will not be significant because of the design approach taken. This in conjunction with the proposed mitigation as shown within the emerging landscape masterplan will assist in assimilating the built form into the surrounding environment. Subject to a further condition requiring the submission of a detailed landscape plan which implements the proposals shown within the landscape appraisal in conjunction with a further condition for the management of the planting for a period of 10 years, officers have detected no conflict with the requirements of CS policies LD1 and LD3.

Surface and Foul Drainage

- 6.33 The treatment of foul drainage and surface water has been the primary concern expressed by all the objectors and the Parish Council. As identified already during the course of the application the applicant instructed the drainage consultants to carry out further percolation testing on the site which concluded that there is no scope for the use of soakaway drainage across the site. As a result the proposal is now for each dwelling to be served by a sealed cesspool.
- 6.34 For clarification a cesspool is a sealed underground holding tank, without an inlet, for the temporary storage of liquid waste and sewage. It doesn't treat or discharge the sewage. It collects the foul waste from a property and when it is full it has to be emptied and waste water taken away by a tanker. In rural areas, such as Orcop Hill which do not have direct or easy access to the main drainage system, cesspools are not uncommon. The proposed cesspools are to be emptied every 45 days by a registered waste carrier.
- 6.35 Policy SD4 of the CS deals specifically with wastewater treatment. Where connection to the waste water infrastructure network is not practical, the policy requires developments to consider alternative foul drainage options in the following order:
- Provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway);
 - Septic tank (discharging to soakaway);
- 6.36 Both these options have been looked at and explored by the applicant, however their own drainage consultant has ruled them out due to the ground being unsuitable for the use of soakaway drainage. Policy SD3 states that 'the use of cesspools will only be considered in exceptional circumstances and where it can be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives'. Within the supporting text of policy SD3 in paragraph 5.3.70 it states that measures proposed to mitigate any effect will be rigorously scrutinised; and monitoring arrangements may need to be put in place to ensure the chosen system is effective'. The paragraph does state that the sensitivity of the Herefordshire environment is such that the use of cesspools should be avoided; however if this is deemed to be the only option then a rigorous assessment of potential effects will be required.
- 6.37 In principle it is considered that a properly constructed and maintained cesspool should not lead to environmental, amenity or public health problems. Problems can occur as a result of overflowing due to factors such as poor maintenance, inadequate capacity or lack of suitable access. It is the responsibility of the property's owner to ensure that it is tankered from the site on a regular basis by a registered waster handler. It is also the property owner's responsibility to ensure that it doesn't leak or overflow. It is an offence under the 1936 Public Health Act to let a cesspool overflow or leak.
- 6.38 A number of the representations received have expressed concerns regarding the odour emanating from cesspools. Odour can occur if the cesspools are not emptied regularly or maintained. The odour can be considered a statutory nuisance if it unreasonably and substantially interferes with the use or enjoyment of a home or premises. Under the

Environmental Protection Act 1990 Local Authorities have the responsibility to investigate complaints about issues that could be a statutory nuisance.

- 6.39 The Council's Drainage Consultant has acknowledged the applicant has followed the hierarchy and has proved that the preferred methods of foul water disposal are not viable at this site. The Drainage Consultant accepts that the option of cesspools are the final and least preferred option; yet is satisfied following rigorous examination, that as the applicant has followed the hierarchy (as outlined in the Core Strategy Policy SD4), an exception can be made to allow the use of cess-pits at this site.
- 6.40 Almost all of the objectors have referenced concerns with the foul drainage arrangements and the risks associated with the use of cesspools. Full consideration has been given to the potential risks and the possible impacts on the environment and amenity of existing residents. However, it is considered that these impacts will only occur if the cesspools are not constructed or maintained properly. The risk of this happening is considered to be no greater than the risks that are associated with septic tanks or package treatment plants, and one can not assume that the property owner will **not** maintain the cesspool to the required standard. Building Control Officers have confirmed that the scheme is compliant with part H of Building Regulations which covers cesspools.
- 6.41 Paragraph 120 of the NPPF states that Local Planning Authorities can prevent unacceptable risks from pollution and land instability by ensuring that new development is appropriate for its location. However it goes on to state in paragraph 122 that in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Authorities should assume that these regimes will operate effectively.
- 6.42 It is clear from the number and nature of the representations and the evidence provided by the applicant's own drainage consultant that there is no scope for the use of soakaway drainage on the site. The concerns expressed by neighbours in relation to the potential of unwanted smells and odours are fully understandable, however, policy SD4 in the CS does not prevent the use of cesspools as a matter of principle. To prevent unwanted smells/odours, the proposed cesspools will be fitted with alarms that will monitor the levels within the tanks and inform the waste contractor and property owner when the tanks need emptying earlier than the scheduled day. The tanks will also be encased in concrete to further prevent any potential leakage into the surrounding soils.
- 6.43 Consideration has also been given to the impact of the tankering of the waste from the site. Many of the objectors have sited that the narrow nature of the highway makes the site unsuitable for the use of cesspools. Each tank will need emptying every 45 days, with a emptying on average taking around 40 minutes. The Highways Officer has raised no objection to the proposal and considers that the proposed scheme allows sufficient space for tankers to pull off the highway and wait within the site when emptying. Working on the basis that the tank will be emptied every 45 days, this will equate to 8 tanker movements per property each year. (24 total across the site). The Highways Officer does not consider this to be significant and will not have an adverse impact on the safe and efficient flow of traffic on the network. No conflict with policy MT1 has been detected.
- 6.44 The issue surrounding the use of cesspools is very finely balanced, however, the use of cesspools as a means to deal with the foul waste from the proposed dwellings is considered to be compliant with policy SD4 of the CS in these specific circumstances. The policy does prefer that new development connects to existing mains wastewater infrastructure, however, it does allow for alternative provisions, such as the cesspools suggested.

Surface water management

- 6.45 Policy SD3 requires measures for sustainable water management to be an integral element of all new development in order to reduce flood risk; to avoid adverse impacts on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.46 The site is not within an area identified for flood risk, however, a number of the representations received from local residents have confirmed that Orcop Hill as a whole does suffer from surface water flooding in times of heavy rainfall. The owners of the houses which immediately adjoin the application site have expressed concerns with the land's stability and the presence of springs. On visits to the site and from evidence provided by the local residents it is clear at times the southerly edges of the site can be saturated.
- 6.47 Representations have expressed concerns about the risk of flooding to lower lying land and the flow routes of the drainage strategy. Policy SD3 requires developments to include appropriate sustainable drainage systems appropriate to the setting of the site and not result in an increase in runoff but achieve a reduction in the existing runoff rate and volumes, where possible.
- 6.48 The scheme now proposes a shallow sided swale in the proposed orchard land to the rear to the house which will discharge to the existing ditch at the south of the site. The Land Drainage Consultants have not objected to the surface water drainage strategy subject to further conditions relating to the detailed construction and management of the strategy. Officers are satisfied that a condition could ensure that prior to the commencement of development further details are provided relating to the surface water drainage with methods to be employed to delay and control the surface water discharge from the site and measures to be taken to prevent pollution of the receiving groundwater. The conditions would also require a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation and maintenance of the scheme throughout its lifetime. The applicants have confirmed that the surface water drainage system will largely be with the orchard to the rear of the properties which will be a communal area owned and managed by the three property owners. I have detected no conflict with policy SD3 of the CS and subject to further details the scheme would not increase localised flooding or have an adverse impact on the water quality in the area.

The impact of the development upon Highways Safety

- 6.49 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF paragraph 32).
- 6.50 The application proposes a new access to support the proposed three dwellings. The development site is bound to the north by an unnamed road and to the east by Wilkes Row. Both roads are typically single track with passing places which accommodate two-way traffic. There are no footways along their length and as such the carriageways are shared by all.
- 6.51 The supporting documents submitted in support of the application have confirmed that the access takes the form of a single priority junction arrangement, with a 4.5metre wide carriageway and a 6 metre radius. The new access has been designed following the completion

of an ATC speed and traffic count survey on Wilkes Row (U71419). Both roads are unlit and are subject to the National Speed Limit. However, the recorded 85th percentile speeds from the ATC speed survey were 24.5mph northbound and 24.8mph southbound. The details submitted in support of the application show 8m of hedgerow will need to be removed for the access with the required visibility in both directions achievable (32m to the south and 36m to the north). It is noted that there have been no accidents recorded in the area over the last 10 years.

- 6.52 The Council's Highways Engineer has recognised the narrow nature of the surrounding highways which are common in rural area such as Orcop Hill, however based on the information submitted within the Transport Statement and the submitted drawing no objection has been raised. It is considered that the additional traffic and trip generation that the development will give rise to, including the removal of foul effluent by tankers, can be safely accommodated on the local road network. In conclusion I detect no conflict with policy MT1.

Other matters

Ecology/Biodiversity

- 6.53 The application submission has been supported by an Ecological Report. The Council's ecologist has considered the ecological information provided and confirmed that subject to the imposition of conditions as below, the proposed development would comply with the relevant policies of the Core Strategy (LD3) and with the guidance contained within the NPPF.

Amenity

- 6.54 Policy SD1 in the CS requires all new development proposals to safeguard the residential amenity for existing and proposed residents. Overall, officers are content that the layout would generate good quality living conditions for occupiers with good provision for private amenity space and separation distances and that living conditions for neighbours would also be respected. This is achieved by maintaining appropriate separation distances throughout. In conclusion on this issue, it is concluded that the scheme accords with policy SD1 of the CS. A condition removing permitted development rights is proposed which will ensure the continued protection of the amenities of adjoining properties.

Impact on Heritage assets

- 6.55 The Parish Council have made reference to policy LD4 in the CS and the need to ensure that the development does not have an adverse impact on heritage assets (including non designated assets) in the surrounding area. I can confirm that there are no Listed Buildings within 1km of the site. Orcop Castle which is a Scheduled Monument is located 1.7km south of the site. The site is not considered to have any direct relationship with any heritage or non-designated heritage assets in the area and therefore officers are satisfied that the scheme does not conflict with policy LD4 of the CS.

The Planning Balance

- 6.56 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously
- 6.57 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would *significantly* and

demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole; it being the case that there are no footnote 9 restrictive policies applicable.

- 6.58 In this instance the scheme would make a contribution towards meeting the existing housing land supply shortfall. In providing a greater supply of housing and breadth of choice in the area the scheme is also likely to respond positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. Likewise, the additional housing will support local services and facilities and play a key part in the social role of sustainable development. In environmental terms, the site is considered to be well located on the edge of the settlement of Orcop Hill such that policy RA2 is satisfied. In economic terms the contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses would be acknowledged as fulfilment of the economic role and should be attributed significant weight in the decision making process.
- 6.59 The proposed development has been carefully considered in relation to the impact on the built and natural environment that relate to the environmental role. Officers are satisfied that the development is acceptable having regard to its context and locality and that it would comply with the relevant policies of the NDP, Core Strategy and NPPF.
- 6.60 Technical matters in respect of highway safety and drainage have also been carefully considered and whilst concerns raised by the Parish Council and the local residents objecting to the application have been carefully considered, the proposed development is considered to comply with the Development Plan.
- 6.61 In terms of the overall planning balance, I am content that in the context cast by the lack of housing land supply, the absence of demonstrable adverse impacts and the benefits arising in the social and economic dimensions, that the scheme is representative of sustainable development.

RECOMMENDATION

That subject to the conditions below and any other further conditions considered necessary by officers named in the Scheme of Delegation to Officers, officers are authorised to grant planning permission subject to the following conditions:

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C13 Samples of materials**
- 4. C65 Removal of permitted development rights**
- 5. C96 Landscaping Scheme**
- 6. C97 Landscaping scheme implementation**
- 7. CAB Visibility Splays**
- 8. CAE Vehicular access construction**
- 9 CAH Driveway gradient**
- 10. CAL Access, turning area and parking**
- 11. CBK Restriction of hours during construction**

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

12. **Site drainage shall be undertaken in accordance with the details shown on drawing DO1 C (Outline drainage strategy) alternative details are submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed prior to the first occupation of the dwellings hereby occupied.**

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment to comply with the requirements of policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

13. **CCK Details of slab levels**

14. **CAT Wheel washing**

15. **The recommendations for species' mitigation set out in Section 8 of the recommendations of the ecologist's report from Star Ecology dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species including reasonable Avoidance Measures for great crested newts should be submitted in writing for approval to the local planning authority. The plan shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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).

16. **CAZ Parking for site operatives**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I05 No drainage to discharge to highway**
3. **I09 Private apparatus within the highway**
4. **I11 Mud on highway**
5. **I45 Works within the highway**
6. **I46 Wildlife & Countryside Act 1981**

Decision:

Notes:

.....

Background Papers

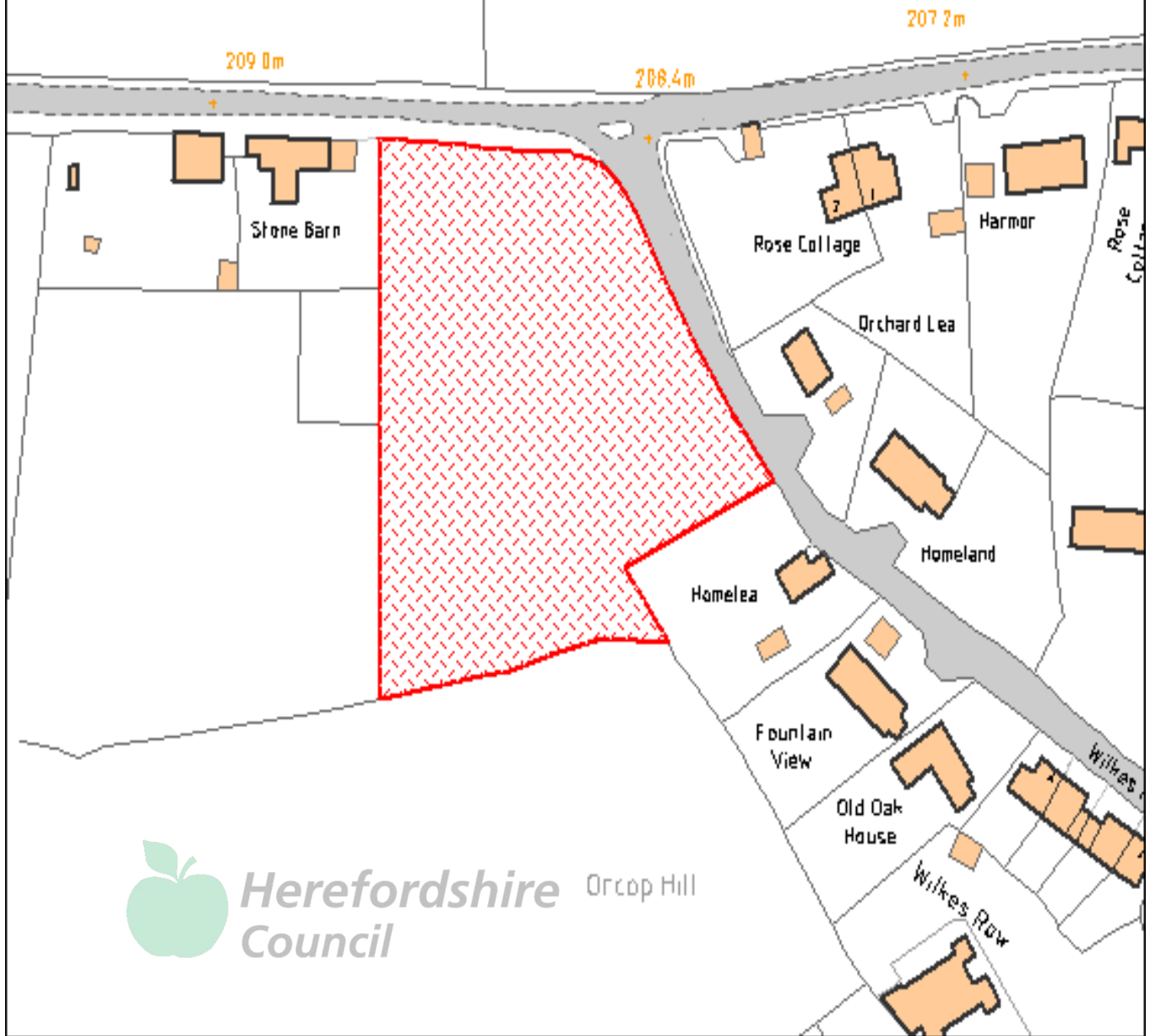
Internal departmental consultation replies.



Herefordshire Council



Herefordshire Council



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

APPLICATION NO: 173385

SITE ADDRESS : LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF

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

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 MAY 2018
TITLE OF REPORT:	<p>172345 - CHANGE OF USE OF LAND FOR THE SITING OF UP TO 95 NO. CARAVANS, AND A CHANGE OF USE, AND COMPREHENSIVE REDEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDREN'S ENTERTAINMENT AREA; AND,</p> <p>173946 - RE-DEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDRENS ENTERTAINMENT AREA AND PETTING FARM AT MALVERN VIEW COUNTRY ESTATE, WOODEND LANE, STANFORD BISHOP, WORCESTER</p> <p>For: N/A per Miss Wendy Sockett, C/O Park Leisure 2000 Ltd, 1 Tudor Court, York Business Park, York, YO26 6RS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172345&search=172345
Reason Application submitted to Committee – Re-direction request	

Date Received: 26 June 2017

Ward: Bishops Frome Grid Ref: 369687,252433
& Cradley

Expiry Date: 17 May 2018

Local Member: Councillor EE Chowns

Introduction

Members attention is drawn to the fact that the following report covers applications for both planning permission and listed building consent, the latter relating solely to the conversion of the curtilage buildings of Boyce Farmhouse to the uses described above. Unless otherwise stated, the consultation responses and representations are to be considered in respect of both applications. The officer's appraisal will consider the merits of both applications and will conclude with separate recommendations for each application.

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

1. Site Description and Proposal

- 1.1 Malvern View is an established holiday home park built on a 23 hectare (56 acre) site with a site licence for 323 pitches. The pitches are a mixture of caravans and lodges. It is located immediately off Woodend Lane (C1136). It lies within the wider open countryside approximately 1km (0.6 miles) distant from both the settlements of Stanford Bishop and Linley Green, and approximately 5km (3 miles) from Bromyard.
- 1.2 The facility is located on the site of the original Boyce Farm, which dates back to the 17th Century. The farm comprises a courtyard formed of the existing Grade II Listed timber framed and stone farmhouse and a traditional horse-shoe shaped stone building to the north – which is not the subject of a separate listing.
- 1.3 The site is located in an open countryside location. The Malvern Hills lie approximately 3km (miles) as the crow flies to the east, and are clearly visible from the site. The site lies within a Timbered Plateau Farmlands landscape character type as defined by the Council's Landscape Character Assessment. These are agricultural landscapes of hedged fields, scattered farms, woods and wooded valleys associated with undulating relief, typical of the local landscape.
- 1.4 The proposal can be split into two component parts – the change of use of two parcels of land for the siting of up to 95 mobile homes and the re-development and extension of existing agricultural buildings to provide on-site facilities for visitors. These two separate aspects are described in further detail below.

Change of use of land

- 1.5 The site layout plan below identifies the two specific parcels of land to which the application relates. Site A lies immediately to the east of the substantive part of the park where a number of static caravans are located.



- 1.6 Site A is an area of grazing land approximately 2.7 ha (6.6 acres) in size. It generally slopes from south to north and is bounded to the north and east by a belt of mature woodland. A hedgerow currently forms the boundary between this area and the existing caravan site and this can be seen in the photograph below:



- 1.7 Site B lies in the foreground of the holiday park and is clearly visible from Woodend Lane. It occupies a lower lying area with existing mobile homes on the upper slope and is visible from Woodend Lane with limited vegetation screening.



- 1.8 The plans have been amended in respect of Sites A and B since their original submission to take account of comments made by the Council's Landscape Officer and a desire to incorporate more significant landscape mitigation around the peripheries of Site B. As a consequence the number of units proposed has been reduced from 122 to 95.
- 1.9 The park holds a holiday licence and as such the caravans and lodges are for holiday home purposes only and may not be used for residential purposes. However, they are available for use 12 months of the year.

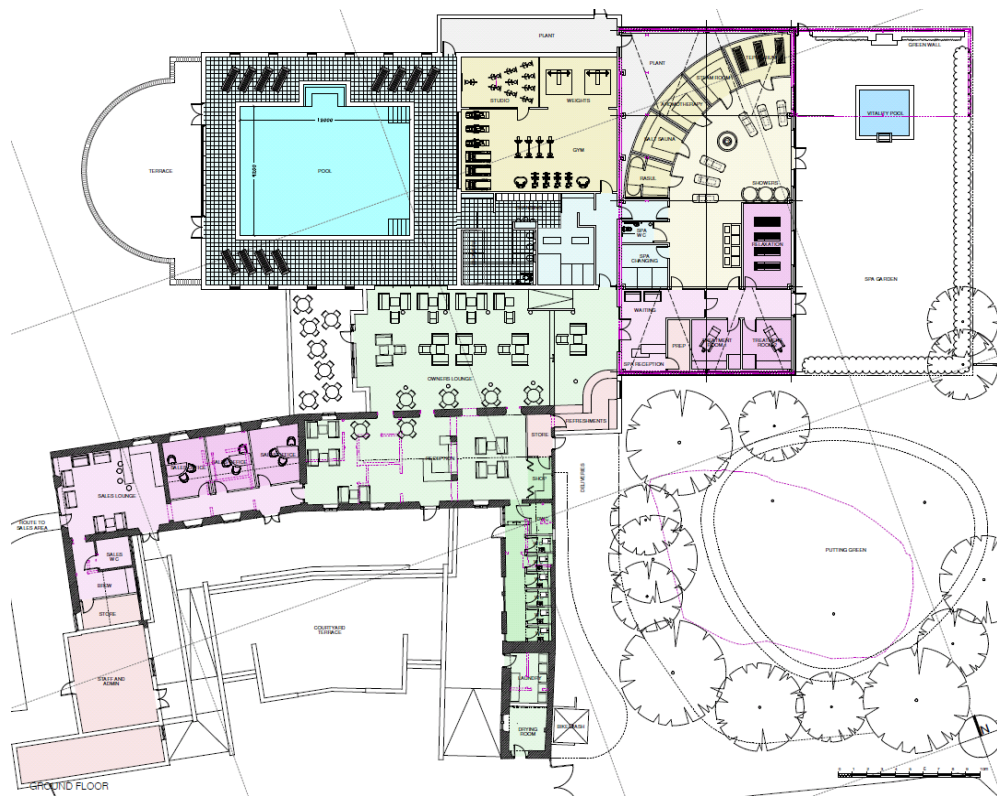
Adaptation and extension of existing buildings

- 1.10 The second part of the application relates to the adaptation and extension of the buildings that would have originally formed the farmstead of Boyce Farm. As stated earlier, the farmhouse is Grade II listed. It has been converted to use as a restaurant and does not form part of this application. Its former outbuildings have previously been converted to a mix of holiday

accommodation and office space. These are traditional stone faced buildings and the current proposals see their conversion to a mix of office space, sales area and shop.



1.11 In addition, an existing steel framed building is to be converted and extended, creating a link with the stone range, to create a swimming pool, gym and spa facilities. The layout of these facilities is shown below.



1.12 As stated previously, the proposed number of units has been reduced from 122 to 95. The application site has also been amended to incorporate a parcel of land immediately adjacent to the junction of Woodend Lane and the B4220 to facilitate the delivery of junction improvements, particularly to improve visibility in a northerly direction for vehicles emerging onto the B4220. The application is accompanied by a number of supporting documents which are listed as follows:

- Planning Statement
- Design & Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Landscape & Visual Impact Assessment
- Transport Assessment

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

- Heritage Statement
- Extended Phase 1 Habitat Survey
- Economic Impact Statement

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	–	Presumption in Favour of Sustainable Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
RA3	–	Herefordshire’s Countryside
RA4	–	Agricultural, Forestry and Rural Enterprise Dwellings
E4	–	Tourism
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Quality

2.2 National Planning Policy Framework

Chapter 1	–	Building a strong, competitive economy
Chapter 3	–	Supporting a prosperous rural economy
Chapter 11	–	Conserving and enhancing the natural environment
Chapter 12	–	Conserving and enhancing the historic environment

2.3 Neighbourhood Planning

Stanford Bishop Parish Council are not currently preparing a Neighbourhood Development Plan

2.4 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

3. Planning History

The site has a long planning history relative to its development as a holiday park that dates back over 25 years. The following applications are all considered to be relevant:

- 3.1 143045/L & 143046/F – Proposed variation of Condition 2 of Planning Permission MH97/0022 – Approved
- 3.2 141803/F – Proposed removal of condition 4 of planning permission MH94/0098 (Change of use of agricultural land, to allow full development of existing static Holiday Home Park to allow 12 month holiday site use) – Approved
- 3.3 143795/F – Proposed removal of condition 3 of planning permission MH92/1221 (Continued use of land as a static caravan site with additional facilities for camping and touring caravans on a permanent basis) - to allow 12 month holiday use of the site – Approved

- 3.4 NE0009/1169/F – Proposed 9 hole golf course for use by Boyce Holiday Park holidaymakers and change of use of land – Approved. (it is noted that this permission has not been implemented and has subsequently lapsed)
- 3.5 NE2005/2059/F – Variation of Condition No. 5 of consent no. DCNE2004/2334/F to allow longer holiday occupancy period and amendments to wording of conditions 3 and 4 - Approved
- 3.6 NE2004/2334/F – Change of use of land to a holiday lodge park with vehicular access and associated works - Approved
- 3.7 DCNE2000/0703/F – Variation of condition no 4 MH94/0098 permitted operating period 7th March-7th January (10 months) to 1st February-1st January following year (11 months) – Approved
- 3.8 N99/0291/F & N99/0292/L - Conversion and reinstatement of stone farm buildings to create 5 No.holiday units – Approved
- 3.9 MH94/0098 – Change of use of agricultural land to allow full development of static holiday home park – Approved
- 3.10 MH97/0022 – Conversion of redundant buildings into cottage restaurant and function room, extension to form reception lobby, and conservatory – Approved
- 3.11 MH92/1221 - Continued use of land as a static caravan site with additional facilities for camping and touring caravans on a permanent basis – Approved subject to conditions
- 3.12 In addition, Members will recall that planning permission was refused for a proposed holiday park for 40 holiday caravans, associated infrastructure and managerial lodge on land immediately adjacent, but unrelated to, Malvern View at Tom' Patch (application reference 162809/F). The application was refused for the following reasons:

1. *The site is located within a Timbered Plateau Farmlands landscape character type as defined by the Council's Landscape Character Assessment. This landscape type is particularly characteristic of the Bromyard Plateau. They generally have a dispersed settlement pattern of individual farms and hamlets with occasional wayside dwellings and villages, contribute to a varied settlement character, but this is always of a dispersed nature. The density of development must remain low if the dispersed nature of the settlement pattern is to be respected.*

The proposal fails to demonstrate that it has been positively influenced by the landscape character of the area. It will introduce a development of a scale and concentration that is at odds with the landscape character type and will consequently have an unacceptable impact on the landscape character of the area, particularly when considered cumulatively with the existing Malvern View Caravan Park. The applicant has failed to demonstrate that these impacts can be satisfactorily ameliorated through additional planting and the local planning authority is not satisfied that impacts can be mitigated through the imposition of bespoke landscape conditions. The proposal is therefore contrary to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. *As a result of its unacceptable landscape impacts, the proposal will have a detrimental impact upon natural assets and the overall character and quality of the environment contrary to Policy E4(2) of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

3. *The proposal will result in an increase in traffic movements along the C1136 and at its junction with the B4220. The applicant has failed to demonstrate that the local highway*

network can absorb the traffic impacts associated with the development and as a result it will adversely affect highway safety. The local planning authority is not satisfied that measures can be implemented to improve highway safety and consequently the proposal is contrary to Policy MT1 of the Herefordshire Local Plan – Core Strategy and paragraph 32 of the National Planning Policy Framework.

3.13 An appeal was subsequently dismissed solely on landscape grounds. A copy of the Inspector's decision letter is appended to this report.

4. Consultation Summary

Statutory Consultations

4.1 Natural England: Insufficient information provided

No assessment has been provided of the potential impacts the proposal will have on the Leigh Brook Valley SSSI

We advise you to obtain the following information in order to assess potential impacts of the proposal:

- Foul Sewage Plan
- Details of treatment to be provided upstream of the cellular storage to remove contaminants, sediment and debris before they enter storage
- Detail of structural design for underground geo-cellular boxes and pipes
- Details of safe maintenance access routes to all SuDs features
- A short and long term management plan for SuDs systems
- Confirmation on who will be legally responsible for this, will the local authority adopt the drainage system following construction

4.2 Welsh Water: No objection

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.

Internal Council Consultations

4.3 Transportation Manager:

The Technical Note Oct 17 illustrates using drawing number P0968.20171005.SK002, the existing junction with a proposal to promote the discussed "no right turns" from the camp. Whilst the access tweak to promote right turns only is noted this does not comply with the Herefordshire Design Guide and needs to be orientated more to 90 degrees to the Highway. However it has been suggested that a low level splitter over run area would be possible in the area but needs to still promote those leaving the site as near to 90 degrees as possible, to insure maximum visibility is achieved in both directions.

We also note the efforts to promote the "No right turn" Policy by signage on the plan, though again it is our opinion that they are not suitable. It is my suggestion that the current DIAG 505.1 be replaced on the applicants land with a DIAG 612 "no right turn" sign. In addition, a suitable road marking layout and rumble island/ splitter, as suggested above, this should be sufficient to visually enforce the agreed strategy. The one way arrow in the Highway verge would require TRO and mean vehicles passing in the opposite direction would contravene the new TRO so is not practical. We believe that this is unnecessary as a visual layout on the ground to be agreed should address our concerns.

The passing place appears to be within Highway ownership but I ask the applicant to confirm this as this is still critical to any application coming forward in this area.

The junction improvement scheme would go a long way to address our previously raised objections to this application. The ingress and egress from the B4220 is of considerable concern. This is an existing sub standard layout with immediate proximity to a non standard layout with the acute turn into the C-1136 and the immediate turn into U-65602 (Hope House Lane) The applicants junction improvement scheme would be conditioned in any approval going forward. A surety that the scheme can be delivered under 278 works prior works at the camp, along with Land ownership/ permissions proof will need to be established.

Moving forward we would need to see:

- An agreeable junction layout as discussed above
- Passing places ownership and compliance to the Herefordshire Design Guide
- Proof of ownership of land / permissions of use and an RSA 1 on the proposed junction improvement design is undertaken.

4.4 Conservation Manager (Landscape):

Original comment:

A full application has been made for the siting of 122 caravans on two sites on land at Malvern View.

I have visited the site at pre-application stage and again in September to meet with the planning agents and walk the site.

I have also read the suite of documents submitted in support of the application and I note there are several mitigation measures proposed both in respect of the proposed and existing caravans which encompass lighting arrangements and hedgerow heights and tree planting, these measures are welcomed.

In terms of identifying any potential landscape impact and harmful visual effects I will comment on each site separately as the sites are located upon different parts of the farm and the associated impacts are therefore quite different.

Site A is situated to the north east of the farmstead, immediately adjacent to the original caravan park. It is currently pasture land with a north facing slope and benefits from a mature woodland belt which wraps around the north and east of the site following the line of the watercourse. I have walked several of the local footpaths and seen the identified viewpoints within the Landscape Report and I am satisfied that the site is well contained and that visual effects will be confined to partial filtered views during the winter months from higher ground at Linley Green, as well as a view from the PROW SB17 as identified within the VP13. I am satisfied that with the additional mitigation proposed the views will not be significantly adverse. In terms of landscape character I do note that the plans indicate a proposed access to the field immediately south, given that this is an unnecessary area of hard surfacing I would recommend its removal.

Site B is situated in the southern half of the farmstead with caravans immediately adjacent on two sides, also pasture land it has a south facing slope which brings with it a different set of visual effects. Given the recent planning history on associated land it might be helpful for me to

set out the various factors that have been taken into consideration when reaching my conclusions:

- In plan form the site relates well to the existing context of caravans, essentially filling a gap which creates a complete block of development. This in effect assists in keeping the caravan site contained and for the most part located on the lower contours of the land.
- The site however does have a south facing fall which should be factored into the equation at its northern extents the site is more visually prominent than Site A, reaching 140m AOD in the north west corner.
- Potential views will be possible from both Woodend Lane and Hope House Lane as identified within the viewpoints shown within the Landscape Report. Users of these receptors are however considered lower sensitivity, the views will be distant rather than roadside and they will also form part of a contained view rather than extending a panorama of development in a westerly direction reaching up to the roadside. For these reasons the visual effects are in my professional opinion less substantial than those identified in proposal P162809/F.
- The site does benefit from a substantial woodland belt which provides screening from the south including a network of popular trails and there is potential to continue this native woodland belt along the western field boundary which would not be uncharacteristic for this landscape type; Timbered Plateau Farmlands. This mitigation would reduce any residual effects.
- My final point in respect to Site B is that the density of development is much greater than that of the site immediately to the east. Given that this site is at the fringes of the development the density of the proposal should be at least in line with that of the adjacent site. This in turn will allow for a less uniform, more fluid arrangement of caravans as well the introduction of informal planting within the site thereby breaking up the massing of the roof space. Any planting proposed should be in line with the landscape character type rather than amenity planting in order to blend with wider open countryside.

In conclusion therefore, Site A is considered to comply with LD1 of the Core Strategy, accepting the removal of the proposed access to the adjacent field. Development upon Site B could be mitigated to an acceptable degree, if, in addition to the measures proposed, the density of caravans is reduced and internal green infrastructure is planted to break up the massing.

Comments in relation to the amended proposal:

I have seen the revised site layout plan drawing no H2/2160403.14 Rev D. I am satisfied with the revised layout shown for site B.

I have also seen the detailed planting plans for Areas A and B, I am satisfied that substantial planting is proposed to mitigate the effects of the proposal to an acceptable degree of impact. I would recommend a condition be applied in respect of the management of the planting proposals for a period of 10 -15 years.

Following the receipt of the Inspector's decision in relation to the site at Tom's Patch the Landscape Officer has provided additional comments as follows:

Further to the recent appeal decision at Tom's Patch (APP/W1850/W/17/3185946) you have asked me to review the landscape position in respect of the Malvern View proposal. Whilst the sites are in close proximity to one another, each site should be assessed individually, as the significance of effects of the development will vary upon each site:

Site A Malvern View

I am satisfied that the residual landscape and visual effects as a result of the proposal are negligible.

The proposed site is situated to the north east of the farmstead, immediately adjacent to the original caravan park. It is currently pasture land with a north facing slope and benefits from a mature woodland belt which wraps around the north and east of the site following the line of the watercourse. I have walked several of the local footpaths and seen the identified viewpoints within the Landscape Report and I am satisfied that the site is well contained and that visual effects will be confined to partial filtered views during the winter months from higher ground at Linley Green, as well as a view from the PROW SB17 as identified within the VP13.

Site B Malvern View

Site B is pasture land on the southern half of the farmstead with caravans immediately adjacent on two sides. On plan form it relates well to the caravan park; essentially filling a gap and creating a complete block of development, thus reducing sprawl. The site however does have a south facing fall at its height reaching 140m AOD in the north west corner, potential views will be possible from both Woodend Lane and Hope House Lane. The site does benefit from a substantial woodland belt which provides screening from the south and the proposed mitigation will reduce to degree adverse visual effects from the identified roads to the west. I do not consider the landscape effects to be significant and the additional planting across the wider site will offer enhancement. The visual effects whilst greater upon this site can be mitigated to filtered medium distance views by the proposed planting.

Tom's Patch

In my opinion both the landscape and the visual effects would be greater upon this site; as stated in the Inspector's comments this site has a particular landscape function, not attributed to Site A or B, which is to provide a landscape buffer of open countryside on the higher ground surrounding thereby containing the existing development. The visual effects are greater as near views of the development would be possible from Woodend Lane as well as middle distance view which would take in existing development to the east and extend development westwards creating a panoramic view of development. The proposed mitigation even at maturity will only reduce these effects to a limited degree.

4.5 Conservation Manager (Historic Buildings)

The proposals are adjacent to a listed farmhouse. The proposals relate in form to the type of buildings typically built on a modern farm. In one way they are what would be expected adjacent to a farmhouse, there may have been alternative approaches which would have enhanced the setting of the farmhouse, however the proposals are not felt to harm the setting of the building, therefore we have no objection to them on heritage grounds.

4.6 Conservation Manager (Ecology)

I have read the phase 1 report together with the follow-up ecological investigations for the project. Overall I am content with the scope and level of surveys and assessment of impacts. There is clearly a range of biodiversity within the area with particular concentration on bat and bird activities. It would seem from the findings that there is little constraint from the presence of great crested newt, badger or reptiles. I believe this is a fair assessment given the character of existing features (ponds, sett activity and habitat). The existing bat features and species utilising the site are clearly important to mitigate for. Generally, I believe the low level lighting plan should afford further mitigation for foraging brown long-eared and pipistrelles around the site provided that sufficient vegetation and planting is maintained which appears to be the case.

I note that there is an intention to further diversify the bird nesting potential with a greater variety of nest boxes in various locations. These should be included within any enhancement plans submitted as a requirement of non-standard conditions.

Regarding surface water management, the greenfield run-off rates seem to be adequate given installation of porous car park surfacing and interception proposals. However, I would defer technical appraisal to the drainage consultees.

Of more concern is the absence of detail on the treatment and disposal of foul waste from the site. The application form indicates that this is unknown and no details are provided as to how additional waste will be managed. Whilst I might agree at this stage that impacts on the nearest SSSI might be negligible from this source, it would be prudent to ensure that this is fully accounted for to avoid potential problems with pollution of ground water and nearby water courses.

4.7 Environmental Health Officer (Noise and nuisance):

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

Informative

With regard to the proposal for a petting farm please be advised that there is a significant amount of health and safety guidance available on the layout and structural details of petting farms due to the risk of E Coli 0157. The applicant is strongly advised to refer to 'Preventing or controlling ill health from animal contact at visitor attractions' Industry Code of Practice – and other related guidance with regard to the planning and detailing of controls which include issues such as physical separation and location of handwashing facilities to minimise the impact of this pathogen.

4.8 Public Rights of Way Officer

The proposal would not appear to affect public footpath SB15. No objection.

4.9 Land Drainage Engineer

It is recommended that the Applicant submits information regarding the proposed surface water management strategy for the facilities area prior to granting planning permission.

Should the Council be minded to grant planning permission, we recommend that the following information is included within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding 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;
- Further detail for the north-east parcel to demonstrate how the combined runoff from this area will not increase flood risk during smaller rainfall events;
- Results of infiltration testing undertaken in accordance with BRE365 guidance;
- Drawings showing cross sections through the proposed attenuation basins and swales, demonstrating appropriate freeboard and overflow provision in the event of exceedance or blockage;
- Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Details of the proposed outfalls to the watercourses.

If the results of infiltration testing indicate that infiltration could provide a viable means of discharge, a revised strategy should be provided by the Applicant. We also promote the use of combined infiltration and attenuation systems that can maximise infiltration during smaller rainfall events.

Ordinary Water Consent from Herefordshire Council may be required for the proposed outfalls to the ordinary watercourses.

5. Representations

5.1 Acton Beauchamp Group Parish Council: Objection

The Parish Council unanimously object to the above planning application for a number of reasons:- Increase in traffic in a small unsuitable lane, poor visibility, effect on existing businesses, bad access and junction onto the main road, over-development and damage to the landscape. If this number of caravans was approved there would be more caravans than houses in all of Acton Beauchamp, Stanford Bishop and Evesbatch.

5.2 Bromyard and Winslow Town Council: Support

At its meeting on Monday 21st August the Town Council's Planning & Economic Development Committee resolved to support this application.

5.3 There have been 47 letters of objection from third parties; some of whom have written more than once as a consequence of the proposals having been amended. The issues raised may be summarised as follows:-

- Views into the site from the Malvern Hills Area of Outstanding Natural Beauty are not limited to those available from the Worcester Beacon. There are others and paragraph 115 of the NPPF should be considered.
- The area over which the cumulative impact of the development i.e. with the existing site would spread is 43 acres.
- Views looking NW from elevated viewpoints indicate the spread of development on sloping land within the Timbered Plateau Farmland landscape. Hereabouts development is generally scattered.
- Existing views indicate clearly that the proposed expansion areas will be visible even in the summer months, but particularly during periods when landscaping is not in leaf.
- Views from Table Hill (within the AONB) demonstrate that the landscape character is typified by low-density development with which the proposal will be wholly at odds. Overall there is conflict with Core Strategy Policy LD1 insofar as the proposal fails to take account of the character of the landscape or that assessment has influenced the site selection to any extent. There is also conflict with the tourism policy E4 (2).
- Each proposed expansion area will individually create a significant negative cumulative impact on residential amenity.
- There will be severe and unacceptable negative visual impacts from distant and local receptors driving and walking the B4220 and C1136.
- The visual impact of the existing site from the B4220 is alien and severe and either of the two additional expansion areas would unacceptably add to impacts.
- The loss of residential amenity is most severe at "The Oaks" as the existing 'buffer zone' is intended for development.
- There are impacts on heritage assets that are not adequately addressed. Clater Park is not mentioned in the heritage report but is seen in views towards the site where the impact of the existing development has already had a detrimental effect. Silkcroft is Grade II listed building which has likewise not been assessed properly.
- The economic benefits of such parks is vastly over-stated. For many these are second homes and with facilities on site the off-site expenditure is marginal. The first imperative of such operations is to retain as much of the visitor spend on site as possible.

- No account is taken of the impact of the proposal on local infrastructure. At peak occupancy the site as extended might have as many as 1,300 occupants. What provision is made for improvements to the local GP surgeries for instance?
- Variations of condition have allowed year round occupancy and given the units are offered for sale it would appear that visitors are in fact residents? Are what remains of the occupancy conditions being monitored/enforced or are these, in effect, second homes?
- The applicants own Economic Statement confirms that the build contract will in all probability be let to their specialist contractors who operate for them across the country.
- The scheme is not supported by the local Parish Council and has drawn significant local objection too. Locals do not agree that there are obvious economic benefits to the local area. The economic benefits accrue principally to the operator.
- The Transport Assessment is deficient and inadequate assessment has been made of the junction of the B4220 with the C1136, which provides access to the site. It is questionable as to whether the requisite visibility splay can be achieved here.
- Drivers turning left into the C1136 from the B4220 will not have adequate sight of vehicles emerging onto the B4220, which will lead to conflict.
- The increase in vehicular movements is understated and in combination with the speeds involved, there is conflict with Core Strategy Policy MT1 and the NPPF at paragraph 32.
- The existing lane is well used by pedestrians and horse-riders. More traffic will endanger non-motorised users.
- The site is not sustainably located. In reality visitors to the site are highly unlikely to walk to local bus stops.
- The impact of light pollution has not been adequately addressed.
- The Boyce Farmhouse is listed and the buildings adjacent are also listed. The impacts on these buildings far outweighs any public benefits.
- The repurposing of these buildings cannot be described as diversification from agriculture as their use has already been changed.
- If on site facilities are to be open to locals/general public, where is the parking provision?
- The red line area encompasses land not required for the expansion as currently proposed.
- There will be greater noise pollution, littering and dog fouling. The verges on the lane approaching the park are already covered in dog mess.
- The marginal economic gains are outweighed by the adverse impacts on visual amenity and landscape impact. The area is has enough caravan parks.
- Is the foul treatment package plant sufficient to deal with the foul flows? Any connection to the mains should be resisted.
- There are been a number of accidents on highways locally, but recorded hasn't commenced until recently and these are not represented in the Transport Assessment.
- The operators do not have a good record for abiding by planning conditions. Landscaping previously required is incomplete. The Deer Park is already open and the fencing associated with that has a detrimental landscape impact. Not all of the extensive planning history is accessible, but it would appear that there are extensions to buildings on site that may not have planning permission. If elements of the proposal are retrospective they should be acknowledged as such.
- Discharge of condition applications have been made after the development for which approval is being sought has been completed.
- The applicant should be invited to initiate a highway improvement scheme at their cost.
- The planning appeal for Tom's Patch, which is adjacent, is instructive. This is for a far larger site indicating that the scheme should likewise be refused.
- The proposed hedgerow planting appears to conflict with an easement on adjoining land.
- Officers should be careful in respect of the planning balance they apply and not bypass Core Strategy policies that remain up-to-date and in force. There is significant conflict with a number of such policies that indicates the adverse impacts significantly and demonstrably outweigh the benefits.

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

5.4 Herefordshire CPRE: Objection

Original comments in relation to scheme as first deposited:

Following up our Holding Objection sent to you on 31st August I am writing on behalf of the Committee of the Herefordshire Branch of the Campaign to Protect Rural England (CPRE) to elaborate on our concerns about this proposed, large development. There are already 274 static caravans in situ and permission was given for 35 eco-cabins but 16 of these still remain to be installed. This 56 hectare site is in the open countryside with views from the much valued Malvern Hills, which are within an Area of Outstanding Natural Beauty; AONBs are protected under NPPF Policy 11, para. 115.

The current site, open from January 1st to December 31st for unlimited holiday use, is also visible from several public roads i.e. the B4220, Woodend Lane (C1136), Hope House Lane and PROW footpaths SB 17 and SB 15; the latter is part of the Three Choirs Way, a much used route. A letter from the Secretary to the Herefordshire Area Leadon Vale Group notes that the proposed Deer Fence will necessitate four crossings by walkers of Footpath SB 15 which could cause a safety issue; no gates are shown on the plan dated 19.07.17. Adverse impacts on views from public roads and footpaths constitute a Material Planning Consideration as, indeed, are any impediments to the safe use of PROWs.

The main road between Malvern and Bromyard (B4220) has a dangerous junction on to the lane, Woodend Lane C1136, which leads to the entrance to this site, especially when turning left from the Bromyard direction. This 4 way junction is opposite the 'Pink Pub' (Herefordshire House Inn) and there are further difficulties with the traffic emerging from the pub carpark onto the B4220. Although the Transport Report which accompanies this application plays down the dangers of this junction this is disputed as the traffic is fast on this stretch of the B4220. Further traffic will result from 122 more occupied holiday caravans, especially as the proposed leisure facilities will be open to non-residents at the Park. Woodend Lane is narrow, single tracked with passing places and no footways; it is much used by walkers, runners, cyclists, horse-riders as well as motor vehicles. Any adverse effects on highway safety are contrary to Herefordshire Local Plan Core Strategy Policy MT1 and NPPF Policy 4 'Promoting Sustainable Transport' Para. 32.

There are two Grade II Listed buildings which are affected by the existing site, Silkcroft Farmhouse, 420 metres away, and Clater Park 2.1 km. away. These properties are Local Heritage Assets and under Herefordshire Local Plan Policy LD4 and NPPF Policy 12, para. 129. their settings should be protected. Further holiday caravans at the site will not fulfil this requirement.

Another concern is the lack of information on the treatment and disposal of foul waste from the proposed site; on the Application Form this is stated as 'Unknown'. CPRE campaigns to protect the rural landscape from inappropriate development; if this Park expands the landscape will be further urbanised. The name of the Park, Malvern View, provides an attraction to would-be holiday makers but views of this expanded holiday caravan site from the surrounding countryside and especially from high points on the Malvern Hills are not an attraction.

In summary a further 122 caravans (in use all year round), plus the increased traffic inevitably arising from the proposed public availability of the leisure facilities, could congest the narrow, unsuitable access lane. Poor visibility, especially at the junction with the B4220, represents a latent safety issue. The development will have a detrimental visual impact on

the local environment and infringe the lawful 'right to peaceful enjoyment of property' of existing permanent, local residents.

We trust that this application will not be permitted.

Comments on amended proposals

I am writing, within the extended consultation date, to reiterate the objections sent on behalf of the Committee of the Herefordshire Branch of CPRE to this slightly amended application whereby the total number of caravans will be reduced to 95 from the 122 detailed in the original application. The proposed additional mitigation at the margins of Area B is noted.

However all our earlier objections still apply in principle (detailed in our letter dated 15th September 2017) and we would be grateful if they are taken into consideration when this application is decided.

5.5 Ramblers' Association

The attached drawings 'Proposed Deer Fence Plan' and 'Proposed Site Layout' both show a black dashed line running East-West and then Southwards at the Eastern end. Having looked at the Definitive Map it is clear that this is Public Right of Way footpath SB15. It would have been helpful if this was listed in the Key of the drawings.

I have no objection to the change of use of the land for the siting of the caravans or the redevelopment of the existing farmyard buildings and associated agricultural barns as this will have no impact on footpath SB15.

However, I do have concerns with the positioning of the proposed deer fence as shown on the 'Proposed Deer Fence Plan'. It appears that footpath users will have to cross the Deer Fence four times. No gates are shown on the plan and I would like to know what provision is being put in place for crossing the fence. Wherever there are gates there is always the risk of them being left open.

My concern is also for the safety of the footpath users who will have to walk through the deer enclosure. Footpath SB15 is part of the Three Choirs Way and is therefore a popular path for walkers. If the deer believe they are being fed I believe you may get trampled. Also it may be necessary to close the enclosure for a period during breeding where males (stags) become aggressive. If this occurred a footpath diversion would need to be put in place.

In summary, it would be preferable that the number of times the footpath user has to cross the deer fence should be kept to a minimum and preferably, for safety reasons, not at all. I believe this would be in everyone's best interest.

5.6 The Bromyard District Chamber of Commerce and Industry:

The Chamber supports the above application for the following reasons :

1. Favourable economic activity in Bromyard and it's rural hinterland.
2. Opportunities for local employment (NPPF and Herefordshire LDP/Core Strategy).
3. Not aware that the B4220 is heavily used in terms of severity (NPPF)
4. Further screening of the existing Holiday Estate to eliminate any views from the Malvern Hills AONB.
5. No impact on landscape as proposed site is tucked away from view (LD 1).
6. Holiday static sites do not equate with planning regulations/guidelines for residential development.
7. Does not impact adversely on any residential dwellings or listed building.

8. Holiday Parks in Bromyard & District are (including rural Hinterland) should be encouraged given their significant contribution to the local economy and their wider tourist favourable impact in the County of Herefordshire (Policy E4 LDP/Core Strategy).

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=172345&search=172345

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

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

6. Officer's Appraisal

Principle of development

- 6.1 Paragraph 28 of the National Planning Policy Framework (the NPPF) provides the basis for the Government's approach to diversification of the rural economy. It relates to economic growth in rural areas and advocates a positive approach to new development that is sustainable. It makes specific reference to rural tourism advising that local and neighbourhood plans should:

Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

- 6.2 In the absence of a Neighbourhood Development Plan, Policy E4 of the Core Strategy is most relevant. It advises that Herefordshire will be promoted for sustainable tourism by utilising its unique environmental and heritage assets. It then goes on to list five measures that will be used to support the tourist industry. Of these, three are of particular relevance to this application and read as follows:

Policy E4 Tourism:-

Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including:

the development of sustainable tourism opportunities, capitalising on assets such as the county's landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;

retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels will be encouraged. Applicants will be encouraged to provide a 'Hotel Needs Assessment' for any applications for new hotels;

ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity.

- 6.3 The policy reflects the NPPF's positive approach towards sustainable development. The matters described above do not preclude the type of development proposed and therefore the principle is accepted. The matter therefore to be resolved is whether the scheme represents

sustainable development as defined by the NPPF – namely that it meets the social, economic and environmental dimensions of the definition.

- 6.4 The objections made largely question the environmental dimension of sustainability of the proposal and these will be assessed in the following paragraphs. The social and economic effects will also be considered and the planning balance applied in coming to a conclusion as to whether the scheme is representative of the type of sustainable tourism that the Core Strategy acts to promote.

Landscape impacts

- 6.5 The site falls within a Timbered Plateau Farmlands landscape character type as defined by the Council's Landscape Character Assessment. These are agricultural landscapes of hedged fields, scattered farms, woods and wooded valleys associated with undulating relief. As one might expect, this description is entirely typical of the local landscape and is evidenced by the aerial view below where hedged fields and blocks of woodland can clearly be seen.



- 6.6 Policy LD1 of the Core Strategy is clear that proposals should demonstrate that the character of the landscape has positively influenced, amongst other things, the scale and design of proposals and site selection. Tourism Policy E4(2) also refers to the landscape as an asset. It advises that tourism-related development will be supported where there is no detrimental impact on the overall character and quality of the environment.
- 6.7 It is accepted that, in its present form, the holiday park does have a visual impact on the surrounding area. The arrangement of static caravans, the wide bell mouth junction onto the unclassified road and the access road are quite prominent and give the locality a formalised appearance. The key question is whether the proposed change of use of Sites A and B will give rise to further cumulative effects that cause unacceptable visual impact and/or unacceptably change the landscape character of the area.
- 6.8 Sites A and B both abut the existing boundaries of the holiday park, as identified by the red stars. In terms of site selection, they are the most obvious parcels of land to look to if one seeks to extend the existing holiday park. As well as their proximity, they both occupy lower lying land and Site A particularly benefits from being bounded by existing mature woodland.
- 6.9 Amendments to reduce the number of units proposed enables the introduction of a more substantial area of planting along the southern and western boundaries of Site B, linking with the existing woodland belt immediately to the south. Such planting would be consistent with the landscape character type and would also serve not only to mitigate the visual impacts of the development proposed, but also that of the existing holiday park. In your officers view this is a significant environmental benefit which weighs in favour of the proposal.

- 6.10 Comparisons will no doubt be drawn between this application and the recently dismissed appeal at Tom's Patch, which bounds Malvern View to the west. The Council's Landscape Officer has provided a commentary on this and is quite clear that there are differences between the sites that have enabled her to come to a different conclusion; particularly that the visual effects of development at Tom's Patch would be greater due to topography and the fact that it has a particular landscape function, not attributed to Site A or B, providing a landscape buffer of open countryside on the higher ground, thus providing a degree of visual containment of Malvern View Caravan Park.
- 6.11 Some concerns have also been raised about the impacts of the development on the Malvern Hills AONB, and refer in some detail to views from Suckley Hill, approximately 3km (1.8miles) to the east.
- 6.12 Paragraph 115 of the NPPF places great weight on the need to conserve landscape and scenic beauty in AONBs. This is also enshrined in Policy LD1 of the Core Strategy. The site is not within the Malvern Hills AONB, but its potential effect on its setting and scenic beauty should be considered.
- 6.13 The Landscape and Visual Impact Assessment (LVIA) that supports the application advises that the author was unable to find viewpoints that included the site, but does acknowledge that they may exist. It notes that the land around the Suckley Hill area in particular rises to form heavily wooded parallel ridges. It opines that, if views do exist, they will be restricted by foreground vegetation.
- 6.14 It goes on to advise that distant views are available from the high slopes and hills to the west of Great Malvern, including the Worcestershire Beacon. It suggests that in clear atmospheric conditions, the existing site is visible; white against the complex mosaic of mainly greens. This view will be available from all the higher northwest facing slopes and tops. The LVIA concludes that from a range of 9-10Km, the proposed development with its embedded mitigation (landscape infrastructure specifically to break up these views in particular) will be capable of fully mitigating perceived adverse landscape effects on the AONB, and could even improve the existing condition by further screening the existing caravans.
- 6.15 One objector does provide photographs from viewpoints within the AONB and has expressed the opinion that the development will be clearly visible. I have visited a number of the viewpoints identified with the Landscape Officer and, whilst the existing site can be seen from some, it is within the context of a 'patchwork' of green fields, woodland blocks and inter-dispersed farmsteads and groups of buildings. It is not considered that the proposal will have any demonstrable detrimental impact on the setting of the Malvern Hills AONB. I concur with the findings of the LVIA that the proposals will in fact offer the opportunity to improve the landscape setting of the existing holiday park through the addition of further planting and therefore I do not find that there is any contradiction with Policy LD1 of the Core Strategy or paragraph 115 of the NPPF.
- 6.16 With regard to the new build elements of the proposed leisure facilities, the swimming pool and spa building is shown with a standing seam zinc roof. Concerns have been raised that this will give rise to glare. However, the plans suggest that this will be finished with a slate grey colour. In the context of the surrounding area where modern agricultural buildings have been erected with similar finishes to their roofs, I do not consider this to be unacceptable in terms of its appearance.
- 6.17 It is therefore concluded that the proposal is acceptable both in terms of its visual impacts and its impact on the landscape character of the area and as such complies with policy LD1 of the Core Strategy. The mitigation measures proposed are appropriate within the context of the landscape character type and will have the added benefit of providing landscape mitigation for

existing development as well as that proposed. This is a significant environmental benefit that weighs in favour of the application.

The effect of development on the surrounding highway network

- 6.18 The site is accessed via an unclassified road which in turn emerges onto the B4220. Negotiations have continued with the applicant's agent in respect of highway matters, originally in light of the refused application at Tom's Patch and the concerns expressed by Planning Committee about the capacity of the highway network to absorb additional traffic movements. It should be noted that the Inspector did not uphold this reason for refusal and commented that concerns about highway safety were not evidenced by data to suggest that the junction has a history of accidents. He also considered that the traffic count submitted suggested that increases in vehicle movements would be relatively modest.
- 6.19 The Transport Assessment (TA) supporting the application includes a traffic count and speed survey conducted over the May Day Bank Holiday weekend. The former shows a peak PM flow of 212 vehicles passing through the vicinity of the Woodend Lane / B4220 junction; an average of 3.5 vehicles per minute, whilst the latter indicates an average speed in the same location on the B4220 of 47 mph northbound and 44mph southbound.
- 6.20 The TA also considers existing and projected vehicle movements associated with the site. A summary of these is provided in the table below. The 'worst case' scenario; that being the weekend peak, suggests that the proposed development would add 16 vehicles movements to the local road network.

	Weekday						Weekend		
	AM			PM			Arrival	Departure	Two Way
	Arrival	Departure	Two Way	Arrival	Departure	Two Way			
Current	9	11	20	16	13	29	23	14	37
Permitted (39 additional)	1	2	3	2	2	4	3	2	5
Proposed (122 additional)	4	5	9	7	6	13	10	6	16
TOTAL	14	18	32	25	21	46	36	21	57

- 6.21 The approach to the site along the unclassified road from its junction with the B4220 is straight and visibility is very good. A passing place does already exist and there is scope within the confines of the highway to accommodate a further passing place. This has been shown on a plan of highway improvements proposed by the applicant and re-produced below.



- 6.23 The applicant has been able to demonstrate through the completion of additional traffic survey work and through their agreement to undertake improvement works to the highway to mitigate the impact of their development that the proposal is acceptable in terms of highway safety and capacity. In the language of the NPPF, the residual cumulative impacts of development are not considered to be severe. It is therefore your officer's opinion that the proposal accords with Policy MT1 of the Core Strategy and the NPPF.

Potential impacts on heritage assets

- 6.24 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.”

- 6.25 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”.

- 6.26 Importantly, this does not mean that an authority's assessment of likely harm of proposed development to the setting of a listed building 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”.

- 6.27 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.28 The NPPF also requires the level of information to be submitted in terms of heritage assets to be proportionate to their significance. Accordingly the application is accompanied by a Heritage Statement which deals specifically with the impacts of development upon Boyce Farmhouse as a Grade II listed building. It does not look at heritage assets in the wider context. This will be dealt with in the proceeding paragraphs.
- 6.29 Boyce Farmhouse lies at the centre of Malvern View Caravan Park and is used in conjunction with it, having recently been converted to a restaurant use. Its original farm buildings remain and have been converted into ancillary uses associated with the caravan park. The buildings are surrounded by hard standings, static caravans and other paraphernalia associated with the use of the site as a whole. All of the development that surrounds is lawful in that it has been the subject of planning permission and therefore this forms their setting.
- 6.30 The use of its outbuildings for purposes other than agriculture has long since been established through their conversion to holiday accommodation. The relationship between farmhouse and outbuildings is retained with the courtyard between the two remaining un-developed; all new building proposed to the north and replacing, in part, an existing steel framed agricultural building.
- 6.31 Policy LD4 'Historic environment and heritage assets', requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design.
- 6.32 The new elements have a contemporary appearance and within the context of the immediate surroundings, are considered to be acceptable in terms of design. I am of the view that the proposals preserve the character and appearance of Boyce Farmhouse, particularly in the context of the surrounding land use. I am therefore content that the proposal is acceptable in terms of its appearance and that it accords with policies LD1, LD4 and SD1 of the Core Strategy. On this basis I do not consider that paragraph 134 of the NPPF is engaged.
- 6.33 Two other listed buildings lie within reasonable proximity of the site – Woodsend and Silkcroft. Woodsend is located to the north of the site and beyond the former railway cutting. This boundary is heavily wooded and the property has a woodland setting. The former railway cutting provides a visually impenetrable buffer between Woodsend and the site and again it is considered that the proposal will have no demonstrable effect on its setting. Paragraph 134 of the NPPF is not engaged.
- 6.34 Silkcroft is more visible and glimpses of it and the small group of buildings that comprise the holding can be gained from the unclassified road as one approaches the application site. Views are across agricultural land and are limited by the roadside hedge. Two modern agricultural / workshop buildings lie in the foreground of Silkcroft when looking from the unclassified road in a westerly direction. These play a significant role in forming the setting of the listed building.
- 6.35 There is no obvious visual connection between the site and Silkcroft. Existing vegetation serves to filter views from one to the other. Again I conclude that paragraph 134 of the NPPF is not engaged.

Ecology

- 6.36 Both sites are presently grazing land. While the margins of Site A and the adjacent woodland belt provide valuable habitat, the site itself has limited biodiversity value. Site B is similar in terms of its biodiversity value. Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance biodiversity. As outlined in the landscape section of this report the proposals include significant amounts of new woodland planting and it is considered that this will improve the site's value as a nesting and foraging habitat for birds, provide shelter for small mammals and encourage insects. The proposal therefore accords with Policy LD2.

Economic Benefits

- 6.37 The application is accompanied by two separate documents – an Economic Impact Summary and Economic Impact Statement. The summary looks at the impacts of holiday parks generally, drawing comparisons between the spend of visitors to owned statics, rented statics and touring pitches. It finds that the rental market generates most spend, with visitor owned units second and touring caravans third.
- 6.38 The Economic Impact Statement is more specific in its assessment of the potential impacts of the proposed development on the local economy. It advises that, between 2013 and 2015, visitors to Herefordshire generated an average spend of £59 million per year and that visitor numbers continue to grow.
- 6.39 The statement goes on to advise that the proposal is based on a five year plan to develop the holiday park and that this will bring about new employment opportunities in the construction sector. It also advises that, based on the assumptions of the Economic Impact Summary that every 15 static units will generate one full time employment opportunity and so it can be assumed that this proposal will create 8 full time jobs.
- 6.40 The amount of expenditure that the development itself would create in the local area is less clear. The units would be owner occupied and the evidence provided acknowledges a reduced level of spend in such scenarios. Your officers opinion is that, in effect, the units would become second homes to their owners rather than a holiday destination as such, and that spending patterns and behaviours are likely to be rather different to that of a tourist to the area.
- 6.41 Nevertheless, the development will bring people into the County who may not otherwise be visitors and they will, to varying degrees, spend within the local area. The development of a leisure facility on the site will also create employment opportunities in the long term, together with shorter term employment in the construction sector. All of these aspects represent economic benefits that will weigh in favour of the development.

Drainage

- 6.42 Notwithstanding the initial request for further information, the comments from the Land Drainage Engineer suggest that the issue of surface water drainage arrangements can be dealt with through the imposition of a suitably worded condition. There is no evidence to suggest that there will be a fundamental issue in achieving an appropriate scheme and the comments provide a series of clear bullet points of the information required. On this basis I am sufficiently content that the proposals are compliant with policies LD3 and LD4 of the Core Strategy.

Summary and conclusions

- 6.43 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where it accords with the development plan.

- 6.44 The principle of development is considered to be acceptable. The proposals form an obvious and rational extension to an existing caravan park and policy E4 of the Core Strategy does encourage further sustainable tourism related development.
- 6.45 Whilst local residents concerns are fully acknowledged and have been carefully considered, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. The applicant has secured ownership of an additional parcel of land at the junction of Woodend Lane and the B4220 such that they are able to deliver some meaningful improvements to visibility at the junction in a northerly direction. Whilst there is no evidence of an accident record here, the improvements that could be delivered are a social benefit weighing in favour of the development.
- 6.46 Matters of impact upon the landscape and biodiversity have been resolved satisfactorily and officers are content that the mitigation measures proposed are sufficient to ensure that the requirements of policies LD1 and LD2 of the Core Strategy are met. In the case of visual impacts, officers are of the view that the introduction of significant elements of new planting will in fact help to mitigate pre-existing harm caused by the holiday park. This is considered to be an environmental benefit weighing in favour of the development.
- 6.47 The proposal does not harm the significance of identified heritage assets. The elements of new build do not disrupt the relationship between Boyce Farmhouse and its outbuildings. In the absence of harm to its significance, or to other listed buildings in the locality, paragraph 134 of the NPPF is not engaged.
- 6.48 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The contribution the development would make in terms of jobs and the increased spending in the local area that will support local businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.49 To conclude, the proposed development is considered to represent a sustainable development for which there is a presumption in favour and, as such, the applications for planning permission and listed building consent are both recommended for approval subject to conditions listed below.

RECOMMENDATIONS

- a) **That planning permission (172345/F) 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. **A01 Time limit for commencement (full permission)**
 2. **B02 Development in accordance with approved plans and materials**
 3. **The number of caravans to be sited on the application site shall be limited to a maximum of 95.**

Reason: To conform to Policy LD1 of the Herefordshire Local Plan and the National Planning Policy Framework, to clarify the terms of the permission and minimise visual intrusion.
 4. **No external surface of any static caravan hereby approved shall be of a colour other**

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

than one which has previously been approved in writing by the local planning authority for that purpose.

Reason: To conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, to clarify the terms of the permission and minimise visual intrusion.

5. Prior to the first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

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.

6. The finished floor level of the holiday caravans and associated decking shall not be greater than 850mm above the existing ground levels denoted on the Topographical Survey drawing (NRG Survey dated 21/03/2016) received on 6th September 2016.

Reason: In the interests of visual amenity and the character and appearance of the area and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy.

7. The development hereby approved is for the use of the land as a caravan holiday park. The following shall apply:
- (i) the caravans shall only be occupied for holiday purposes only;
 - (ii) the caravans shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to conform to Policy RA5 of the Herefordshire Local Plan – Core Strategy so as to prevent the establishment of a residential use in the countryside where it would not normally be permitted.

8. None of the (existing trees) (and/or) hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. A detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 10. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 9) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.**

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 11. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 10) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.**

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy and the national Planning Policy Framework.

- 12. The recommendations set out in the ecologist's reports of phase 1 surveys and bat nocturnal surveys from deltasimmons dated August 2016 and January 2017 respectively should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, species mitigation method statement together with a habitat enhancement plan integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: 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). 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).

- 13. With the exception of any site clearance and groundwork, no further development shall take place until the following details have been submitted:**
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding 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;**
 - Further detail for the north-east parcel to demonstrate how the combined**

runoff from this area will not increase flood risk during smaller rainfall events;

- Results of infiltration testing undertaken in accordance with BRE365 guidance;
- Drawings showing cross sections through the proposed attenuation basins and swales, demonstrating appropriate freeboard and overflow provision in the event of exceedance or blockage;
- Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Details of the proposed outfalls to the watercourses.

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

Reason: To mitigate any increased risk of flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. H17 Junction improvement/off site works – to include:

- White lining to junction of the B4420 junction and improved signage.
- Applicant to ensure One way departure from the site towards B4420 only.
- Passing bays and road widening to front of site to be constructed before works start on site, to be constructed to adoptable standards. All details to be agreed with highways including locations of passing bays.

15. The leisure facilities hereby approved as shown on drawing no. 276-016 Revision B shall only be used by residents of Malvern View Holiday Park and shall not be otherwise made available for use by the general public

Reason: The application has been determined on the basis that the leisure facilities proposed are only available for site residents and will not give rise to separate vehicle movements. The local planning authority would wish to consider their wider use within the context of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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. HN07 Section 278 Agreement
3. HN10 No drainage to discharge to highway
4. HN04 Private apparatus within highway
5. HN01 Mud on highway
6. HN28 Highways Design Guide and Specification
7. HN05 Works within the highway

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

8. HN22 Works adjoining highway

(b) That listed building consent (173946) be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. B02 Development in accordance with approved plans and materials**

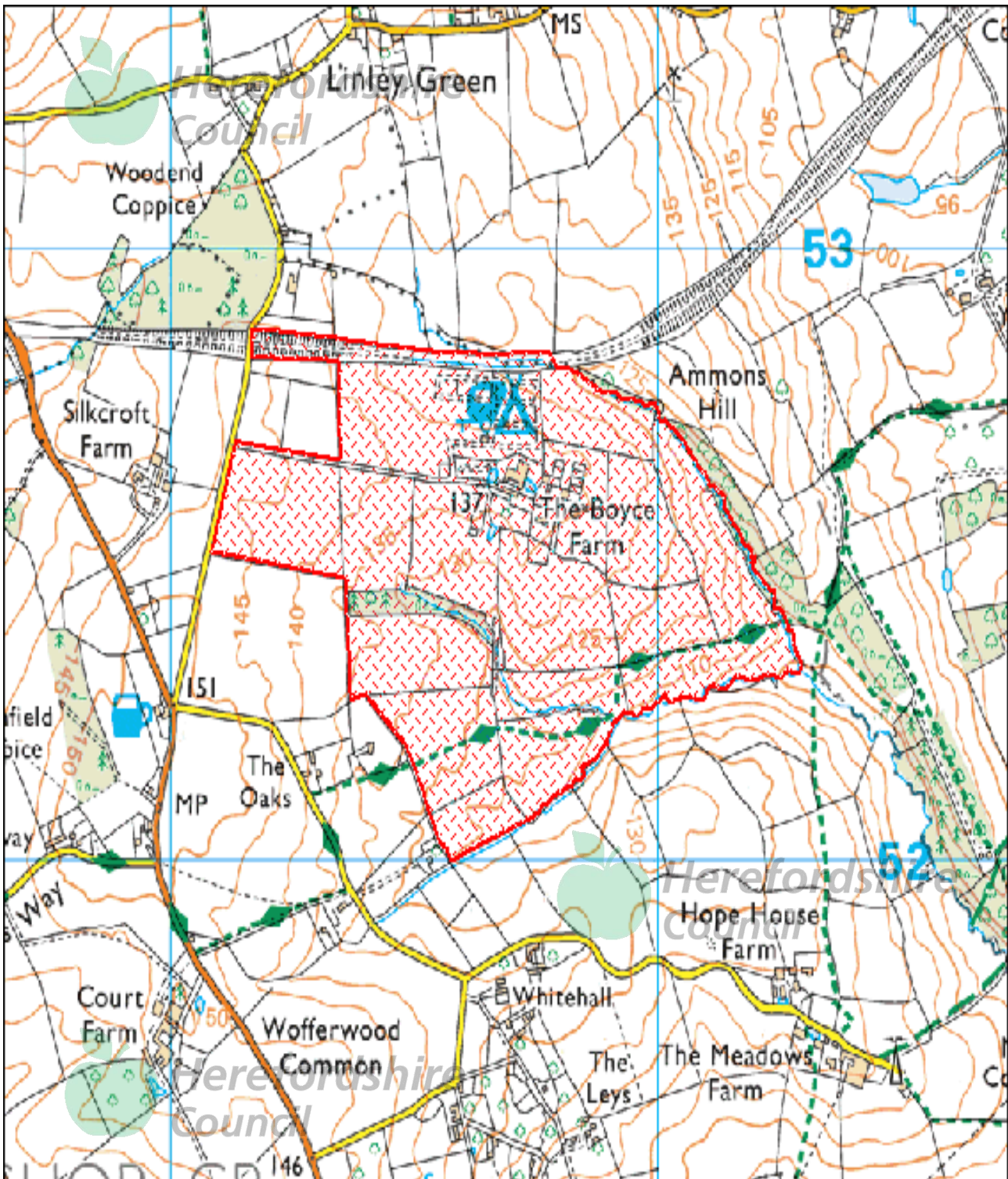
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 172345

SITE ADDRESS : MALVERN VIEW COUNTRY ESTATE, WOODEND LANE, STANFORD BISHOP, WORCESTER

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

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

