

Agenda

Planning and regulatory committee

Date: Wednesday 15 November 2017

Time: 2.00 pm (or on conclusion of the committee's meeting held in the morning, if later).

Place: 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:

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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 EJ Swinglehurst |

Agenda

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|---|---------|
| 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. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman. | |
| 5. 172919 - LAND TO THE WEST OF CHURCH HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE. Outline planning application for the erection of up to 64 dwellings (including 35% affordable), access and associated works. Matters of appearance, layout, landscape and scale are reserved for future consideration. | 9 - 40 |
| 6. 171863 & 171864 - OLD COURT, BROBURY, HEREFORD (PLANNING AND LISTED BUILDING CONSENT) Proposed conversion of existing barns and annex to provide 2 additional dwellinghouses. | 41 - 62 |
| 7. 171897 - THE MASTERS HOUSE ST KATHERINES, BYE STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA To erect signage to the external facade on the east side of the building and on the chimney breast. | 63 - 68 |
| 8. DATE OF NEXT MEETING Date of next site inspection – 5 December 2017 Date of next meeting – 6 December 2017 | |

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.

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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.

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|---------------------------------------|----------------------------|
| 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 EJ Swinglehurst | 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:

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|-----------|---|
| 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.

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|--|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 15 November 2017 |
| TITLE OF REPORT: | <p>172919 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 64 DWELLINGS (INCLUDING 35% AFFORDABLE), ACCESS AND ASSOCIATED WORKS. MATTERS OF APPEARANCE, LAYOUT, LANDSCAPE AND SCALE ARE RESERVED FOR FUTURE CONSIDERATION. AT LAND TO THE WEST OF CHURCH HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE.</p> <p>For: Beechcroft Land Ltd and Crawford Richard Perkins per Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucestershire GL50 1DZ</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=172919&search=172919 |
| Reason Application submitted to Committee – Redirection | |

Date Received: 4 August 2017

Ward: Sutton Walls

Grid Ref: 350392,245499

Expiry Date: 28 November 2017

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site comprises an L-shaped agricultural field extending to approximately 3.7ha (9.14 acres) at the south western edge of the settlement of Moreton-on-Lugg. To its east lie Church House farm and its associated buildings. Immediately to its south and west, beyond mature hedgerows are agricultural fields with a mature tree lined hedgerow forming the boundary between these and the A49 (T). Moreton Road (the main village road), abuts the site to its north, beyond which are the residential properties that front Moreton Road and those in St Andrews Close.
- 1.2 This application seeks outline planning permission for the erection of up to 64 dwellings (including 35% affordable housing) with the matters of layout, landscape and appearance reserved for future consideration. Access is a matter for consideration as part of this proposal.
- 1.3 The proposed access into the site is via a junction from the south-side of the main village road. The access road would be 5 metres wide with 2.0 metre wide pedestrian footways provided on both sides of the carriageway,
- 1.4 The application is supported by an indicative layout plan (as inserted below) along with the following reports and documents:

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

- Planning Statement
- Design and Access Statement (Rev B) and appendices
- Flood Risk Assessment and Drainage Strategy (plus additional reports and tests)
- Ecological assessment
- Transport Assessment
- Heritage Assessment
- Archaeological Desk based assessment
- Geophysical Survey report
- Landscape Statement
- Acoustic design Statement
- Odour and Air Quality Assessment



Indicative Sketch Layout

1.5 The proposals do not at this stage stipulate the range or mix of housing to be provided.

2. Policies

Herefordshire Local Plan – Core Strategy

- | | | |
|-----|---|--|
| 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 |

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

| | | |
|-----|---|--|
| 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

2.2 National Planning Policy Framework

In particular chapters:

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 Moreton On Lugg Neighbourhood Area was designated on 14 October 2013, but a plan is not being progressed. The Parish Council expressed within the minutes of their meeting dated 7th February 2017, that they were unlikely to continue and would prefer to be included within the Rural Area Development Plan Document (RADPD). Accordingly, neither the NDP nor the RADPD have any weight for the purpose of decision making on planning applications at present.

https://www.herefordshire.gov.uk/info/200185/local_plan/298/rural_areas_site_allocation_development_plan_document

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Natural England

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 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:

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

Need for measures to address impacts on the River Wye.

To include;

- Developments should include at least 3 treatment trains which are designed to improve water quality
- The long-term monitoring and maintenance of the surface water drainage system should be secured by condition or legal agreement.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's more detailed standard advice on other natural environment issues is set out in their response.

4.2 Highways England

Highways England received notification of the planning application on 30 August 2017. A review of the supporting information concluded that the proposed development would not have a significant impact on the Strategic Road Network (SRN).

However, there is a need to ensure that any impact on the SRN during construction works is minimised. We consider that this requirement is best dealt with by way of a planning condition. Therefore, a condition is recommended (see officer recommendation).

4.3 Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment and Drainage Strategy dated 4th August 2017.

The report refers to a chamber in the centre of the field and whilst we have no record of any public sewer or watermain within the site boundary, the applicant should follow due diligence and investigate this further. If it is proved to be a public asset then we request that we be re-consulted in order to assess this matter further and provide specific advice to ensure it is suitably protected and sufficient access maintained.

We acknowledge the surface water strategy will not convey flows towards the public sewer and we welcome this approach to dispose of surface water by sustainable means. Our records indicate the public sewers in the vicinity of the site are designated to receive foul water only and therefore if the proposal changes we cannot support the communication of surface water to the public sewer.

With regards to the foul drainage proposal we confirm that suitable capacity exists in the public sewerage network to accommodate the proposed development. However, our preference is for sites to drain and connect to the existing public sewer via gravity, and pumping stations should only be considered where this is not possible.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent (see recommendations).

4.4 Historic England

In our view you do not need to notify or consult with us on this application under the relevant statutory provisions.

Internal Consultation Responses

4.5 Transportation Manager

The application is for outline with access only for consideration, layout for RM.

The point of access is acceptable; the visibility splays have been agreed and relate to the speed survey undertaken.

The access onto the C1120 will need to excavate the frontage; there is approximately 1m difference in level from the height of the footpath to the road level. The access road and adjacent footpaths will need to achieve a gradient of 1:20. The existing footpath will also need to achieve this gradient. This may have an impact on the roots of the adjacent trees. The trees are somewhat away from the access but the re-grading of the footpath may still have an impact on the area. No details or sections have been provided but this appears to be achievable. There is a tree stump that needs to be removed as well as the roots, and 'stubs' (infrastructure belonging to statutory undertakers) may be in the area. Any diversion will be at the developer's expense.

There are 2 potential cycle footway connections, East and West of the access which will be required as they add to the connectivity.

There will need to be improved crossing facilities from the site to the North.

The access road will need to be 5.5m wide with 10m radius.

The footpath fronting the site will need to be a minimum of 2m.

The street lighting in the vicinity of the site will need to be designed and amended as per a design to be provided as part of the S278 scheme.

This will be subject to a S278 Agreement.

The internal layout is indicative and subject to reserved matters it would be worth the applicant going for pre app on the layout as it is envisaged that this will be subject to a S38 agreement; the extent will need to be agreed. Parking will need to be based on the need and demand for the location, recognising the rural location and the relatively high car usage. A parking strategy will be required that also includes for visitor and service vehicles. The internal footpaths and connectivity need so be agreed.

Section 106 Obligations

Section 106 financial contributions as per the SPD.

Discussions ongoing with the Councils Planning Obligations Manager as to the availability of schemes that would enhance the active travel infrastructure including, footpath improvements, public transport improvements within the Moreton on Lugg catchment. The calculation for the contributions will be 42 x bed size x cost as per the SPD.

4.6 Service Manager - Built and Natural Environment (Historic Buildings) comments:

Following previous comments we would concur with the findings of the Heritage Statement and that this document is compliant with s.128 of the NPPF. As such we have no objections on the ground of policies relating to historic buildings or areas.

4.7 Service Manager - Built and Natural Environment (**Landscape**) comments:

The site forms part of the original field pattern which links with the wider open countryside. Whilst the northern side of the C1120 has undergone substantial change through the introduction of 20th century development, the southern side remains essentially unaltered.

The church of St Andrew's, Church House Farm and its associated buildings and landscape features in conjunction with the site, all contribute to the rural setting of Moreton on Lugg. As well as providing an attractive graduated approach to the village, the site functions as a gap between the A49 trunk road and the settlement.

Notwithstanding the above the site does not have a landscape designation and is influenced by the development fronting it. Given the topography of the site the visual effects will be localised and there is potential for mitigation.

In terms of landscape character, the proposal is a relatively large scheme for this edge of settlement location, a smaller development would be considered more in keeping with the wayside pattern of this landscape character type; Principal Settled Farmlands. However when considering the degree of adverse impact upon the landscape it is accepted that the site is undesignated and its immediate surroundings have already undergone substantial change during the 20th century. Furthermore the land is low lying and essentially flat in character this in conjunction with the field hedgerows and the landscape buffer along the A49 will reduce the visual effects of the scheme substantially.

Whilst the application is outline and the scheme is indicative only the proposed layout does respect the relic moat to the east, as well as stepping development back from the more sensitive southern boundary.

One aspect of the application the detail of which I am unable to find is the extent of hedgerow to be removed as part of the visibility splay required for access. This piece of information is required. It is anticipated this will not be extensive but does need to be established.

Based upon the understanding that the scheme will require minimal hedgerow loss it is considered that the proposal will comply with LD1 of the Core Strategy. The detail of the landscape proposed with a management scheme can be secured via a condition.

4.8 Service Manager - Built and Natural Environment (**Ecology**) comments:

I have read the ecological survey by Ecology Solutions and find it comprehensive and I concur with its evaluations. It has encompassed biodiversity and Habitats Regulations Assessment (HRA) issues and is conclusive in its findings, suggesting mitigation and ecological enhancement for the proposal as appropriate. The site does not fall within the criteria (100 dwellings) for consultation with Natural England but the report deals with the implications for HRA and foul water management as well as the surface water. I note there is a complaint raised by an objector with regard to the lack of functionality for the local sewage treatment works; although the Planning Statement declares that Welsh Water (WW) has agreed there is capacity at these works, I would advise that this is followed up with WW as the section of the SAC in the R. Lugg has been known to be a failing stretch of the river for phosphates.

If the application is to be given approval I would recommend that a non-standard condition is attached (see condition 24)

4.9 Service Manager - Built and Natural Environment (Archaeology) comments:

Standard Archaeological 'programme of work' E01 / C47 conditions recommended.

As is indicated in the submitted historic environment reports (desk-based assessment, geophysical report, heritage assessment), there is sensitivity to this site. Whilst I do not comment directly on any issues to do with the Church of St Andrew, I do have some concerns regarding risks to the *group* of heritage assets just to the west of the application area. In particular, although it is not designated, the remains of the medieval moated enclosure here are of clear interest. Also, there is identified potential for below ground remains dating to the late prehistoric and medieval periods within the zone proposed for development.

On balance however, I am of the view that harm to the heritage assets in question would be less than substantial. The significance of the moat remains is only to a limited extent to do with their setting, and the suggested landscape 'buffer' may help to provide some due protection (although the buffer would benefit from being more extensive than that implied). The importance of / risk to the below ground remains likely to be within the application area is not sufficient to justify their preservation, although mitigation for their loss should be secured via archaeological recording [NPPF Para 141, Core Strategy LD4].

4.10 Environmental Health Manager

This application is supported by an odour and air quality assessment produced by Air Quality Consultants and a noise assessment produced by Clarke Saunders Acoustics.

Air Quality

The assessment considered the likely pollutants generated by activities in the area which included emissions from the intensive poultry growing operation at Upper House farm and pollution generated by traffic i.e. bio aerosols, ammonia, PM₁₀ (fine particulates) and nitrogen dioxide. It used nationally available advice and background air quality data and was able to screen them out as being insignificant and therefore further consideration was not required. The number of light vehicle movements likely to be generated by the proposed development is below the threshold provided by Environmental Protection UK and the Institute of Air Quality Management as requiring a full detailed assessment of traffic related air quality impacts and therefore the impacts of traffic emissions on the local area were considered insignificant and not requiring further consideration.

ODOUR

Air Quality Consultants undertook a review of the odour dispersion modelling produced in support of the expansion of the poultry housing at Upper House farm and found it to be robust. It also undertook an assessment using the methodology prescribed by the Institute of Air Quality Management in their guidance on the assessment of odour for planning. The initial risk assessment identified a potential for slight adverse odour effects at sensitive receptors from the operation of the poultry farm; therefore the odour risk was assessed in detail and the report concluded that given the distance between the poultry farm and the proposed development is over 450m and that the aforementioned odour assessment identified that odour concentrations at the receptors would be well below the relevant benchmarks, that the poultry farm would have an insignificant effect on the proposed development. To clarify, the Institute of Air Quality Management guidance will always indicate a slight adverse effect where there is a large odour source such as the poultry farm and there are high sensitivity receptors irrespective of the separation.

It is my opinion that neither air quality nor odour presents a constraint for this development.

NOISE

The Clarke Saunders noise assessment used the methodology advised by the relatively new Professional Practice Guidance on Planning and Noise, ProPG: Planning and Noise : New Residential Development May 2017 produced by Acoustics and Noise Consultants, The Institute of Acoustics and the Chartered Institute of Environmental Health. It has also had regard to advice provided by the National Planning Policy Framework, BS8233:2014 Guidance on sound insulation and noise reduction for buildings and the World Health Organisation Guidelines on community noise.

The ProPG methodology provides for an initial Stage 1 risk assessment. This found that the site at Church Farm is low risk and as such recommended that a stage 2 Acoustic design Statement be prepared. Stage 2 considers the noise impact on the site in detail and looks at appropriate outline mitigation measures.

The report advises that the stage 2 assessment demonstrates that 'by the use of suitable mitigation measures and careful design of façade performance, layout of the site and internal layout of the dwellings, acceptable noise levels can be achieved both internally and externally.' It should be noted that not all properties can achieve internal noise levels with windows open but that the use of good quality thermally sealed double glazing, with trickle ventilation would be sufficient for all noise sensitive rooms throughout the proposed development. It also recommends 1.8m high closed board fencing along the western boundary of the site.

If it is minded to grant permission a condition should be included to ensure that appropriate mitigation is provided.

I would therefore recommend a condition or similar are attached to any permission.

4.11 Parks and Countryside Comments

Open Space Requirements:

Core Strategy Policies OS1 and OS2: Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards which are set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community.

- Herefordshire Open Space Study 2006 which recommends POS should be at a rate of 0.4ha per 1000 population (to note data for amenity public open space has not changed significantly and it is still considered to be accurate),
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.

**please note this information will form the basis of a separate SPD on POS standards currently being prepared.*

On Provision POS and Childrens Play:

For 65 houses and a population of 149.5 at an average occupancy of 2.3 per dwelling the developer should provide on-site as a minimum:

- 0.059ha (590sq m) of Public Open Space @ 0.4ha per 1000 population

- 0.118ha (1,180sq m) of Children's Play @ 0.8ha per 1000 population of which 0.037ha (370sq m) should be formal play @ 0.25ha per 1000 population.

Total 0.177ha to include 370sq m formal play

It is noted that the illustrative site layout is the same as that presented at the pre-application stage in respect the POS layout. It is acknowledged that this is an outline application but as the application progresses I would ask that more consideration is given to my comments below particularly in respect of formal play provision. On site provision appears to be focused on informal provision around SuDS and landscaping requirements.

As described in the Design and Access statement the applicant is proposing 1.09ha of POS and Green Infrastructure (to include landscape buffers and SuDs balancing ponds). This offer provides some informal amenity space. To the north/east of the site open space acts as a buffer providing a linear park and pedestrian access. Additional open space is provided more centrally incorporating a shallow semi dry balancing pond. This is a small area which also provides links to the large landscape belt/ SuDS area to the south of the development.

Although it is in excess of the policy requirements, planning for healthier spaces is good practice and any on site provision should be designed to be of a usable size offering a range of recreation opportunities and experiences appropriate to the site and location. The multi-functional approach is supported. However the SuDS and swales including the small central area of POS running through the development although an attractive feature will have a limited potential for recreation and the linear park will act primarily as a buffer and footpath link. The best opportunities will be on the large landscape belt/SuDs area which if designed to take account of standing water could provide opportunities for play and recreation as well as wildlife and biodiversity.

The potential to include large amounts of informal POS should not reduce the need to provide some formal play provision in meeting the requirements set out above. Although I previously asked for some on-site formal play provision at the pre-application stage and I note this is echoed by some of the local residents as part of the community consultation none is shown on the illustrative layout. The applicant has mentioned that as part of the heads of terms for this site, obligations are likely to be sought such as contributions towards formal play, leaving me to believe an off-site contribution may be negotiated. On-site provision is still the preferred option. Although there is an existing play area and recreation ground in the village it is some distance away and it is not of a size which could accommodate the additional residents arising from this development unless investment is made. It is a small play area and in accordance with the play facilities investment plan lacking in provision for older children in particular. In my pre-application comments I suggested that given the more natural on-site provision of POS and SUDs and swales, that there is an opportunity to design on site provision to reflect this to include natural play and wooden play equipment/play trails for example.

Open Space/play/SuDs Adoption:

Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

The Council's SuDS Handbook (draft) provides advice and guidance on the inclusion of SuDs on new development. The applicant should seek further advice from the Council at the earliest opportunity.

Outdoor Sports Provision:

In accordance with the outdoor sports investment plan there is no requirement in Moreton-on-Lugg. Although there is an existing junior/mini football pitch in the village which is of poor quality, there is no existing club or evidence of latent demand.

4.12 Housing Manager Comments

In principal I support this application as it is providing open market and affordable housing on this site and the applicant has met the required 35% affordable housing contribution. However, during the pre-application process an indication of the mix and sizes was provided to the applicant and this has not been reflected in the application.

I appreciate that this is an outline application with only access and associated works to be considered, however the indicative mix provided doesn't take into account the needs for the area. Policy H3 ensures that there is an appropriate range and mix of housing that will contribute to the creation of balanced and inclusive communities, by providing housing to meet the needs of all households including the elderly, young families and single people and by ensuring that housing is capable of being adapted for people in the community. This is a requirement for both the open market and affordable housing. The indicative layout does not cater for bungalows and provides an over supply of 4 bed accommodation.

The Herefordshire Local Housing Market Assessment (LHMA) gives an indication of what unit sizes are required for both the open market and affordable housing and should be taken into account when planning a scheme. In addition to this, the affordable housing need should not be confused with the open market need as they are separate. Therefore if an application proposes a number of 2 and 3 beds for affordable it should not be assumed that this would meet the open market need.

Below is a breakdown of unit requirements for this site.

| Open Market | Affordable Housing |
|--|---|
| 12 x 2 beds to include 2 bungalows (2) | 6 x 2 beds for social rent with 2 as bungalows M4 |
| 22 x 3 beds to include 2 bungalows | 4 x 3 beds for social rent |
| 8 x 4 beds | 1 x 4 bed for social rent |
| | 6 x 2 beds for intermediate tenure |
| | 7 x 3 beds for intermediate tenure |

In order for me to support this application and I would look for a condition which would ensure that any reserved matters submitted would reflect the above mix with a S106 to ensure local connection for the affordable housing.

4.13 Land Drainage Comments

We have no objections in principle to the proposed development. We do however stress that we are not in agreement with the submitted surface water drainage calculations. The layout of the development suggests that there is sufficient open space to the south of the development to incorporate additional attenuation should this be provided and that revised calculations / drawings can therefore be submitted with the reserved matters application.

Should the Council be minded to grant outline planning permission, we recommend that the Applicant submits the following information within any subsequent reserved matters application:

- Assessment of flood risk from groundwater, sewers and consideration of any historic flood events, and inclusion of appropriate mitigation is required.
- Revised greenfield runoff rate and post-development discharge calculations that are undertaken in accordance with The SuDS Manual and that use FEH2013 rainfall and ensuring like for like comparison with baseline conditions.
- Results of soil infiltration tests undertaken in accordance with BRE365 and demonstration that groundwater levels are a minimum of 1m below any unlined attenuation or infiltration structures. If the results of soil infiltration tests show that infiltration techniques are feasible on site, the surface water drainage strategy must be re-designed to include infiltration techniques.
- Information on how surface water that exceeds the capacity of drainage features (including temporary surcharging of drainage inlet features such as gullies) will be managed within the site up to and including the 1 in 100 annual probability event + climate change to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere.
- Evidence that the attenuation pond will not be located in close proximity to areas indicated to be at risk of flooding.
- Details of the attenuation pond, including cross sections, invert level at the bottom of the pond, invert levels of incoming and outgoing pipes, levels at the top of the pond, maximum water level and freeboard.
- Details of the proposed outfall to the existing ditch and cross section showing connection between attenuation pond and the ditch.
- Assessment of flood risk caused by blockage of the attenuation pond outfall and details of proposed overflow structures.
- Detailed drainage calculations that demonstrate 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.
- If the attenuation pond will hold water above adjacent ground level, assessment of the potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features, including pumping station and alignment of the proposed raising main.
- Confirmation from Welsh Water that foul water from the development can be discharged to the public foul sewer located along the road to the north of the site.
- Confirmation from Welsh Water that they will adopt the proposed foul water drainage system, including the proposed pumping station;
- Foul water calculations, including foul water storage calculations for the pumping station;
- Drawing showing details of the proposed pumping station and raising main;
- Demonstration that appropriate access is available to maintain drainage features, including the pumping station and attenuation pond.

Best practice SUDS techniques should be considered. As discussed in our response, we would welcome the wider use of SUDS throughout the development, and also promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Ordinary Watercourse Consent will be required for discharge to the adjacent watercourse.

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

4.14 Waste Management

Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling" for advice with regards to Waste Management arrangements for households.

www.herefordshire.gov.uk/downloads/file/2883/guidance_notes_for_storage_and_collection_of_domestic_refuse_and_recycling

The area is accessed currently by a 26 tonne refuse collection vehicle (RCV). The maximum distance between the collection point of the bins and where the vehicle can safely access is 25 metres. Collection points would need to be provided for any properties located over 25 metres from where the vehicle can access.

4.15 Education Comments

The educational facilities provided for this development site are Wellington Primary School and Aylestone High School.

Wellington Primary School has a planned admission number of 15. As at the schools Summer census 2017:-

- One year group is at or over capacity - Y1=19

Aylestone Secondary School has a planned admission number of 150. As at the schools Summer census 2017:-

- All Year groups have spare capacity - no contribution.

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

| Contribution by No of Bedrooms | Pre-School | Primary | Post 16 | SEN | Total |
|---------------------------------------|-------------------|----------------|----------------|------------|--------------|
| 2+bedroom apartment | £117 | £1,084 | £87 | £89 | £1,377 |
| 2/3 bedroom house or bungalow | £244 | £1,899 | £87 | £138 | £2,368 |
| 4+ bedroom house or bungalow | £360 | £3,111 | £87 | £247 | £3,805 |

4.16 Forward Planning comments

Principle of residential development

The Core Strategy identifies Moreton-on-Lugg as one of the County's rural settlements that will be the main focus for proportionate housing growth in the plan period to 2031. Policy RA1 calculates an indicative housing growth target for the Parish, based on an increase of 18% of existing dwellings for the Hereford Housing Market Area. This amounts to a minimum of 63 new dwellings for the plan period. It is understood that a proportion of this has already been met

through commitments or completions in the plan period so far, so this scheme comprising 64 new dwellings would ensure that growth in the Parish will go above and beyond this target.

The proposal makes provision for 35% of the dwellings to be affordable, which is in compliance with the requirements of policy H1.

SHLAA position (2012)

The site was identified by Council officers for assessment in the 2012 Strategic Housing Land Availability Assessment (SHLAA) for rural settlements, referenced as O/MoL/003. It was considered overall to have high potential for residential development. It was considered to have few constraints, flat and devoid of landscape features.

Neighbourhood Development Plan (NDP)

A neighbourhood area for Moreton-on-Lugg was designated in October 2013; however the Parish has since withdrawn from the Neighbourhood Planning process. Moreton on Lugg will therefore be included in an upcoming Rural Areas Site Allocations Development Plan Document (RASADPD).

Conclusion

The proposal is in compliance with the policies of the Core Strategy, and would make a contribution to the delivery of its rural housing objectives. The site's selection would also appear to be in concurrence with the findings of the Council's 2012 SHLAA. In summary, I have no objections to the application as proposed.

4.17 NHS Herefordshire Clinical Commissioning Group

Many thanks for this. The CCG on this occasion will not be making any representation due to the smaller number of dwellings and therefore at this stage lower impact on Primary Care, however we will keep this on file should there be additional expansion in the area.

5. Representations

5.1 Moreton-on-Lugg Parish Council

At a recent Parish Council Meeting the Chairman of Moreton on Lugg Parish Council, Cllr Kim Cooper, opened the meeting and gave a brief explanation with regard to the current outline planning application for the erection of up to 64 dwellings (including 35% affordable). Those residents present were asked to voice their comments on this application.

The comments were primarily based on:

1. The huge impact this development will have on the village of Moreton and all 1000 residents who live in this village. There are no plans to improve the infrastructure of the village to accommodate these extra dwellings and their occupants. The village facilities are expected to absorb a possible 150 extra residents without change.
2. The existing sewage works at the top end of the village is hardly adequate for the existing houses – often overflowing and necessitating attention. There is no indication that the existing sewage facilities/capacity is to be increased to allow for the extra 150 inhabitants plus at least 20 in Ordnance Close and 8 – 10 at The Beeches – where planning applications have already been passed.
3. Urgent negotiation is required with Welsh Water on their findings and thoughts with regard to this proposed development – as yet, from the documentation available, they do not appear to have been formally approached for their recommendations/comments or guidelines.

4. If the access to the new development is retained as indicated on the drawings - this will cause considerable problems to existing users of the village road and the A49 junction. It is already acknowledged that it is very difficult to get on to the A49 during the morning rush hour especially turning towards Leominster. It has to be acknowledged that these additional cars – at least two per dwelling – will add to an already existing queue to access the main road. Will this then encouraged residents to use the other exit road via the Grade II listed bridge – this is a dangerous minor road with one-way traffic – not well signed posted - and certainly not built for additional traffic of these proportions – it was built for horse and cart not daily commuters.

5. The plan to allocate all 106 monies to Wellington School should be reconsidered. It is acknowledged that Wellington School is the catchment for Moreton on Lugg primary children – but many children go to other surrounding schools in the area – Bodenham; Marden etc. The 106 monies should come back into Moreton to improve the infrastructure to help accommodate such a huge increase in population.

6. There is no mention about road safety. There are reports of numerous incidents of cars ploughing into the first garden on the village road – knocking down lamp posts etc. It was appreciated this is due to bad driving but photographs produced indicated that there are many bad drivers using the Moreton village road. Pedestrian crossings will be needed to enable children catching and returning by bus from Hereford schools to cross the village road in safety.

7. With regard to access - thought should be given to constructing a mini-roundabout at the junction with St Andrews Close and/or to use the farm entrance as access – or, even better, to take the access entrance for the development on to the A49 itself and away from the only access road in and out of the village.

8. The speed limit on the A49 passing the Ordnance Close and Moreton village junction is 60mph – and despite repeated requests to Highways England for this to be reduced – this has been refused. With the possibility of all these extra vehicles coming from Ordnance Close and from Moreton village – a further representation should be made to both Highways England and to the Police – Safer Roads Partnership - both of whom have refused to support any requests to try and get this speed limit reduced.

9. The volume of houses planned for this development goes way beyond the allocation suggested in a previously circulated Neighbourhood Plan document.

At that time, the minimum proportional growth for Moreton on Lugg was as following:

Proportional requirement = 63 over a 25 year period.

Built between 2011 – 2017 = 2

Commitments as at April 2017 = 12 (Ordnance Close and The Beeches) Residual requirement = 49

It was noted that this outline planning application would exceed the requirement by 15 houses which is an increase of 19%.

It was also noted that some of these proposed dwellings have very small gardens and some have no garages/storage space. However, it would appear that houses are allocated two parking spaces despite the recent survey indicating that there would only be an increase of 25 vehicles at peak times if this development went ahead. It was felt the increase would be nearer 125 which would have a huge impact on the village road and A49 entrance and exit. There is no provision shown on the plans for bicycle shelters.

10. There is concern regarding the boundary fencing; planting of replacement trees and landscaping. There was concern with regard to future maintenance of the public areas associated with the development – despite reassurance to the contrary in the Planning documentation –

there was concern expressed about future maintenance and the impact on precept/budget for the village as a whole.

11. Open space is indicated on the plan – is was questioned if this is a children’s play area. Who will maintain these open/green spaces once the developers have left site? It is planned to have Maintenance tenancy agreements – but it is well known these agreements fall short once the houses change hands. Will the extra maintenance of roads; green spaces; hedges etc become the responsibility of the Parish Council and as a result have an impact on future Precept/Budgets.

Councillors and Parishioners present who expressed an opinion felt that for those who live in properties within close proximity to the development would be disadvantaged regarding property value and future saleability.

The Parish Council listened to all the objections/comments and observations associated with this outline planning application and wish to illustrate by means of this letter their support for those members of the public who attended the Extraordinary Meeting.

5.2 Pipe and Lyde Parish Council

Pipe and Lyde Parish Council discussed the application for 64 houses at Moreton on Lugg at its meeting on 20th September and the following concerns were raised: Sufficiency of local infrastructure to support such a development, e.g sewerage etc. The PC noted the absence of a play area, although there is a public open space, and (if the application is approved) a condition be included to ensure one is created. With regard to section 106 monies, as much as possible should be retained for use in the local vicinity to mitigate the impact on existing and new residents, perhaps a cycle path could be created from Moreton on Lugg to Hereford. The PC would also like consideration be made to stipulating the creation of two accesses into the development to minimise the impact on existing properties opposite the proposed single site entrance

5.3 27 Letters of objection have been received. The content of these letters can be summarised as follows:

Highways

- Junction with the A49 dangerous due to the high volume of traffic, high speed and poor visibility
- Existing speed of vehicles through village
- Increase in traffic using the junction is unacceptable
- Already experiencing difficulties in exiting onto and into the Moreton road from the A49
- Short distance from the A49 to St Andrews Close and new turning – not much time for drivers to understand what other drivers intend doing.
- Increase in queuing traffic on the A49 into Moreton Road when approaching from Hereford.
- Road was closed during the survey work (at river) and should be re-surveyed
- Poor visibility due to the position of the sun
- Numerous accidents at the junctions
- High levels of traffic movements from HGV’s, delivery vans, agricultural traffic as road used for access to Marden, Sutton etc
- Numerous vehicle collisions with 1 St Andrews Close
- Vehicles travelling along Moreton Road often on wrong side of road
- Over 100 additional car movements per day
- Proposed junction is in the wrong place and maybe should be placed opposite St Andrews Close with a roundabout
- No public transport available in the evening

Scale, size and character

- Scale of development is too much for village
- This many dwellings would ruin the character of the village
- Paragraph 64 of the NPPF says that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions – this scheme of 64 does not.
- SEA Neighbourhood Area scoping report says no more than 18% increase in homes. This development will exceed this
- Sizable erosion of open countryside – unnecessary
- Not enough emphasis on affordable / retirement homes
- Loss of privacy and amenity to homes on St Andrews Close

Drainage

- Increase in sewerage not effectively planned for will have an adverse impact on existing residents. No planned upgrades so adding to an already overloaded system.
- Surface water drainage to main currently causes problems and even though surface water won't enter, the addition of foul will add to problems.
- Previous documents identify capacity problems in the area.
- Concern about additional flooding as green-field will not be there to absorb the rainfall etc.

Other

- No benefit for the local community
- Section 106 should be spent in the village rather than outside of it
- Village has no facilities – doctors, school or pub and residents have to travel
- Infrastructure not suitable or sufficient – playground activities for children
- Section 106 should be used for cycleway or Doctors / pharmacy
- Loss of viable farm land
- Potential for more development
- Roadside trees should be retained or protected.
- Increase in noise for residents from the building works
- Site in vicinity of a 17th century moat and should not be granted

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=172919&search=172919>

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."

Policy Context

6.2 The Herefordshire Local Plan - Core Strategy (CS) is the development plan for the area and a range of relevant CS policies are listed above. 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

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

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.

- 6.3 It is also the case that the Council cannot demonstrate a 5 year housing land supply with requisite buffer. This year's Annual Monitoring Report confirms a supply of 4.54 years. This is relevant insofar as the CS and NPPF both seek to boost significantly the supply of housing and confirm that housing applications should be considered in the context of the positive presumption. 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. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker.
- 6.4 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.*”
- 6.5 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. The Parish of Moreton-on-Lugg lies within the rural part of the Hereford HMA, which is tasked with an indicative housing growth target of 18% (1870 dwellings).
- 6.6 The Core Strategy identifies Moreton-on-Lugg as one of the County's rural settlements that will be the main focus for proportionate housing growth in the plan period to 2031. Policy RA1 calculates an indicative housing growth target for the Parish, based on an increase of 18% of existing dwellings for the Hereford Housing Market Area. This amounts to a minimum of 63 new dwellings for the plan period. Commitments and completions total 14 leaving a residual figure of 49 new dwellings. This target would be used as a basis for the production of Neighbourhood Development Plans (NDPs) where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy leaves flexibility for NDPs to identify the most suitable housing sites. Whilst the neighbourhood area for Moreton-on-Lugg was designated in October 2013, the Parish has since withdrawn from the Neighbourhood Planning process. Moreton on Lugg will therefore be included in an upcoming Rural Areas Site Allocations Development Plan Document (RASADPD)
- 6.7 Concerns have been raised about the numbers of dwellings exceeding the 18% growth for the parish. However, this is a minimum target and consideration would have to be given to the impacts of the development rather than the figure itself.
- 6.8 As an identified settlement (and absent an NDP), Policy RA2 (Housing in settlements outside Hereford and the market towns) is key in decision making. The policy states:

“Housing proposals will be permitted where the following criteria are met:

1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they*

- result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
 - 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
 - 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such”

- 6.9 In terms of location relative to the settlement, there is no conflict here with RA2 per se. It is in relation to RA2 (3) and the environmental aspects of the development proposal and the associated infrastructure that needs to be carefully considered. As the ‘environmental’ aspects of RA2 are consistent with the NPPF, there is no ambiguity or inconsistency between the development plan and national guidance.

Landscape and setting of the settlement

- 6.10 The requirements of RA2 are underpinned by Policy LD1 Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.11 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.12 The site forms part of the original field pattern which links with the wider open countryside. Whilst the northern side of the C1120 has undergone substantial change through the introduction of 20th century development, the southern side remains by comparison, relatively unaltered. The church of St Andrew’s, Church House Farm and its associated buildings and landscape features in conjunction with the site all contribute to the rural setting of Moreton on Lugg. As well as providing an attractive graduated approach to the village, the site functions as a gap between the A49 trunk road and the settlement.
- 6.13 As noted in the Landscape Officer comments above, the proposal is a relatively large scheme for this edge of settlement location; a smaller development would be considered more in keeping with the wayside pattern of this landscape character type: Principal Settled Farmlands. However, when considering the degree of adverse impact upon the landscape it is accepted that the site is undesignated and its immediate surroundings have already undergone substantial change during the 20th century. Furthermore the land is low lying and essentially flat in character; this in conjunction with the field hedgerows and the landscape buffer along the A49 will reduce the visual effects of the scheme substantially. The landscape comments seek assurance that hedgerow loss will be for the access only, and this is the case as the visibility

can be achieved in front of this. The detail of the landscaping proposed (with a management scheme) can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage. It is therefore considered that the site is capable of being developed in accordance with the requirements of policy LD1 and LD3 of the Core Strategy.

Heritage assets

6.14 The proposed development site does not lie within a Conservation Area but there are a number of listed buildings and non-designated heritage assets that are a material consideration. A Heritage Statement has been submitted with the application. It has appraised the historic built environment in the vicinity of the proposed development specifically assessing the impact of the proposed development on the setting and significance of the Grade II listed Church of St Andrews and the Barn approximately 20m east of Church Farmhouse, and the non-designated heritage assets of Church Farmhouse and The Old Farmhouse. The report has also considered the Grade II* Church of St Peter, and the Scheduled and Grade II listed Churchyard Cross within the Churchyard at Lyde.

6.15 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.”

6.16 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”.

6.17 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an 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”.

6.17 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.

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

- 6.19 The Council's Historic buildings Officer has considered the proposals and conclusions of the Heritage Statement in relation to the impact upon the designated and non designated heritage assets and concurs with its findings.
- 6.20 The County Archaeologist has also considered the impacts on the area and concludes it is of some sensitivity; being directly adjacent to an undesignated moated site, close to a number of designated heritage assets such as the Grade II listed church, and having some potential for prehistoric below ground remains in particular. It is concluded that the harm to the heritage assets in question would be less than substantial but careful consideration to landscape buffers would need to be evident in any reserved matters submission. The importance of / risk to the below ground remains likely to be within the application area is not sufficient to justify their preservation, although mitigation for their loss should be secured via archaeological recording.
- 6.21 As such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy and with the guidance set out in the National Planning Policy Framework.

Biodiversity

- 6.22 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 advice in the NPPF reinforces this.
- 6.23 The application submission has been supported by an Ecological Appraisal (Ecology Solutions) that is considered to be comprehensive. The Council's Ecologist concurs with its evaluations and recommends a condition be attached. It should be noted that the recommendations should form part of the design approach in any subsequent submission. The report also encompasses biodiversity and Habitats Regulations Assessment (HRA) issues and is conclusive in its findings, suggesting mitigation and ecological enhancement for the proposal as appropriate. Neither the Council's ecologist, Natural England or Welsh Water raise any objection to the drainage strategy proposals. As such it is concluded that, with the appropriate mitigation and enhancements being secured by condition, the proposals would comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and with the guidance contained within the National Planning Policy Framework.

Layout and Housing Mix

- 6.24 Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing. In particular, larger sites (more than 50 units), such as this will be expected to:

1. *provide a range of house types and sizes to meet the needs of all households, including younger single people;*
2. *provide housing capable of being adapted for people in the community with additional needs;*
- and
3. *provide housing capable of meeting the specific needs of the elderly population by:*

- *providing specialist accommodation for older people in suitable locations;*
- *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;*
- *ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.*

The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.

6.25 The Herefordshire Local Housing Market Assessment produced by GL Hearn consultants, which forms part of the evidence base for the Core Strategy, provides a further insight into local housing needs in terms of tenure and size for the period 2011-31. It deals not only with affordable housing, but also open market requirements across the county over the plan period.

https://www.herefordshire.gov.uk/downloads/file/1644/local_housing_market_assessment_2013

6.27 Moreton-on-Lugg lies within the rural part of the Hereford HMA and the table insert below (from the Herefordshire Local Housing Market Assessment) provides requirements for open market housing that we would seek to secure on a site of this size.

Table 50: Estimated Size and Type of Dwellings Required 2011 to 2031 – Market Housing (Hereford HMA)

| Type/size | Hereford Urban | | Hereford Rural | | Hereford HMA | |
|--------------|----------------|---------------|----------------|---------------|--------------|---------------|
| | Number | % | Number | % | Number | % |
| 1 bedroom | 166 | 3.9% | 61 | 5.0% | 227 | 4.2% |
| 2 bedroom | 654 | 15.5% | 279 | 22.9% | 933 | 17.1% |
| 3 bedroom | 2,366 | 56.0% | 662 | 54.5% | 3,028 | 55.7% |
| 4+ bedroom | 1,040 | 24.6% | 213 | 17.5% | 1,253 | 23.0% |
| Total | 4,225 | 100.0% | 1,215 | 100.0% | 5,440 | 100.0% |
| Houses | 4,081 | 96.6% | 1,204 | 99.1% | 5,285 | 97.2% |
| Flats | 144 | 3.4% | 11 | 0.9% | 155 | 2.8% |
| Total | 4,225 | 100.0% | 1,215 | 100.0% | 5,440 | 100.0% |

Source: Housing Market Model

6.28 A condition is suggested that will seek to secure a proportionate housing mix and types (including bungalow accommodation) for the open market dwellings that reflect the requirements of the policies. This is considered to be necessary to ensure compliance with the requirements policies H3 and RA2 and will allow further consideration of the mix before Reserved Matters submissions.

6.29 Policy H1 of the Core Strategy also seeks to secure 35% of the development as affordable housing. The attached Heads of Terms details the required tenures and mix of housing and also seeks to secure local connection for occupation. As such, with the S106 agreement, the proposal would comply with the requirements of policy H1 of the Core Strategy. Reserved matters applications should reflect the requirements of the Section 106 agreement.

Open Space Provision

6.30 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. Where on-site provision is not appropriate, off-site contributions may be sought where appropriate on an equally beneficial basis for the local community. The requirements for this site are detailed at paragraph 4.11 above. As an outline application, the details of these are provided but the provision (on or off site) along with ongoing maintenance arrangements will be secured through the Section 106 agreement and further considered at Reserved Matters stages when layout and landscaping details are provided. On this basis, the proposals would comply with the requirements of policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

Transportation

6.31 CS 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

developments are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space.

- 6.30 Local residents and the Parish Council have raised significant concerns about the capacity of the local network (Moreton Road) and the junction with the A49 siting issues with collisions, queuing traffic, speeds, visibility and road users travelling in the middle of the road. Concerns relate to the position of the proposed access as well as in the associated intensification of use of the network.
- 6.31 Objections also note that the automated traffic counts were undertaken whilst the Moreton Road Bridge was closed and as such was not a realistic review. The Transportation Manager has been able to confirm that the survey was carried out from 30 June to 6 July. The road was closed while BBLP undertook bridge repairs; this was from the 3 to 5 July. Whilst the works impeded the survey data for a short duration, the closure would impact on 3 of the 7 days of traffic volumes. The closure was approximately 1km away from the site, therefore the speeds would not significantly impact on the access location. The information provided was considered to be sufficient to be able to make the assessment.
- 6.32 The Transportation Manager has considered the aspects of highway safety and capacity on the local network and raised no objections to the proposed development subject to conditions being attached to the planning permission. Noting concerns raised locally during the process, the Council will be requesting a contribution to implement features along the C1120 in Moreton village. These will include features such as including different coloured surfacing from the A49 east to the speed limit marker, signage improvements, white line removal and gateway features that would support aims to reduce speeds through the village. Works could also include improvements to bus stops and pedestrian crossings (drop kerbs). The Heads of terms has been updated accordingly.
- 6.33 Highways England has the jurisdiction over the A49 and as such they are the Statutory Consultee in this instance. No objection has been raised to this proposal subject to a condition in relation to the construction phase. On this basis, officers are of the opinion that, with the proposed conditions and in securing the potential improvements through Section 106 contributions, the proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of paragraph 32 of the NPPF. This states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Design and Amenity

- 6.34 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.35 The application submission is in outline form only, and many of these issues will need to be carefully considered at the Reserved Matters Stage, in particular the relationship with the dwellings on the northern side of Moreton Road. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings. Concerns about the impacts of road noise from the nearby A49 and air quality in respect of the proximity to the poultry units were raised at the pre-application stage. As such the applicants have included both noise and air quality reports and the Environmental Health officer has considered these (see para 4.10) and confirmed that, subject to a suitable condition and further consideration at design stage for the Reserved Matters stage, the proposal would comply with the requirements

of policy SD1 of the Core Strategy and with guidance contained within the National Planning Policy Framework.

Drainage

- 6.36 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Representations raise concerns about network capacity for the foul drainage. Welsh Water, as the statutory consultee have been consulted and, subject to a condition that ensures that a connection is made in a specific location and there being no surface or land drainage discharge to the mains system, they raise no objection. As such, whilst noting the concerns raised locally about capacity, officers conclude that the proposals comply with the requirements of policy SD4 of the Core Strategy.
- 6.37 Matters of flood risk and surface water drainage have also been carefully considered in the detailed response from the Land Drainage consultant that can be read, in full on the Councils website: <https://myaccount.herefordshire.gov.uk/documents?id=fa0292ae-a835-11e7-97b0-0050569f00ad>. Additional detail has been submitted to try and address some of the queries raised and is currently being considered. Notwithstanding this, the Land Drainage Consultant has not raised an objection but a detailed drainage strategy must inform the reserved matters applications and must address the requirements and issues raised. A condition and informative notes are recommended but I would conclude that the management of surface and land drainage can be satisfactorily accommodated on the site and as such the requirements of policy SD3 can be met.
- 6.38 Policy SD3 deals, among other things, with water consumption and a condition is recommended to address this requirement.

Conclusions

- 6.39 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 site's location is well located to the main settlement of Moreton-on-Lugg and has good access to local services and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance, in particular, with Policies RA2, SD1, LD1, LD2, LD3 and LD4 of the Core Strategy.
- 6.40 Officers are of the opinion that the local road network can absorb the additional traffic generated from the development and note that Highways England has raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but the proposed works, with appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework that states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development is severe.
- 6.41 Matters of impact upon designated and non designated heritage assets, biodiversity, and landscape character as key environmental roles have been taken into account and officers have concluded that they are satisfied that the submitted information demonstrates that, with careful consideration at design stages, a development of this size and scale can be accommodated on the site in accordance with the requirements of policies RA2, LD1, LD2, LD3 and LD4 of the Core Strategy and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits. Matters relating to drainage must also form part of the overall design progression to ensure compliance with policy SD3 at reserved matters stages.

- 6.42 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. The provision of the affordable housing must also be considered a benefit to the social role.
- 6.43 The Council acknowledges that there continues to be a deficit in terms of a five year housing land supply and that this site will make a significant contribution to the supply of housing supporting the growth required over the plan period. This proposed development is compliant with the policies of the Herefordshire Local Plan Core Strategy and is considered to be sustainable development, for which there is a presumption in favour. It is officers' recommendation that this proposal is approved with the appropriate conditions, subject to the completion of the Section 106 agreement.

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time Limit for commencement (outline permission)**
- 3. A04 Approval of Reserved Matters**
- 4. B01 Development in accordance with the approved plans**
- 5. I51 Details of slab levels**
- 6. C10 Landscaping Scheme**
- 7. G11 Landscaping Scheme – implementation**
- 8. G14 Landscape Management Plan**
- 9. G15 Landscape Maintenance Plan**
- 10. CNS Housing Mix**

Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policies

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

RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. CNS Noise Attenuation Measures

Prior to the commencement of development a scheme of noise attenuating measures for the proposed dwellings shall be submitted to and be approved in writing by the Local Planning Authority. This scheme shall have regard to the advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings, The World Health Organisation Guidelines for Community Noise. The approved scheme shall be implemented before the first occupation of the dwellings.

Reason In the interests of the residential amenity of future residents in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. L04 Comprehensive and Integrated draining of the site

13. CNS Welsh Water suggested condition

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference number SO50452502 and SO50453601 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no surface, land or highway water shall connect directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment having regards to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

14. CNS Construction Traffic Management Plan

The development shall not commence until a Construction Traffic Management Plan (CTMP) which shall include a programme for monitoring and review has been submitted to, and approved in writing by, the local planning authority, in consultation with the highways authority for the A49 Trunk Road. The approved CTMP shall be adhered to throughout the access construction period.

Reason: To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

15. CNS – Construction Management Plan

No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning

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

Authority. The plan shall include the following details:

- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
- b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
- c. A noise management plan including a scheme for the monitoring of construction noise.
- d. Details of working hours and hours for deliveries
- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. H03 Visibility Splays (2.4m x 59m)
17. H06 Vehicular Access Construction
18. H09 Driveway gradient
19. H13 Access, turning area and parking
20. H17 offsite works (s278)
21. H18 Onsite roads – submission of details (s38)
22. H20 Road completion phasing
23. H29 Cycle parking
24. CNS Biodiversity

The recommendations for species and habitat enhancements set out in the ecologist's report from Ecology Solutions dated August 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).

- 25. E01 – Site Investigation
- 26. CE6 Efficient use of water

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. Welsh Water advice:

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. Having regard to the requirements of conditions 12 and 13 above. I would draw your attention to the advice and comments of the land drainage consultant that can be viewed online at:

<https://myaccount.herefordshire.gov.uk/documents?id=fa0292ae-a835-11e7-97b0-0050569f00ad>

- 4. I45 Works within the highway
- 5. I49 Design of street lighting
- 6. I51 Works adjoining highway
- 7. I52 Extraordinary maintenance
- 8. I54 Disabled access

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

DRAFT

HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – P172919/O

Site address:

Land to the west of Church House, Moreton on Lugg, Herefordshire.

Planning application for:

Outline planning application for the erection of 64 dwellings (including 35% affordable) access and associated works. Matters of appearance, layout, landscape and scale are reserved for future consideration.

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 2 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£ 1,377.00 (index linked) for a 2 bedroom apartment open market unit

£ 2,368.00 (index linked) for a 2/3 bedroom open market unit

£ 3,805.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Wellington Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit);

£ 1,720.00 (index linked) for a 2 bedroom open market unit

£ 2,580.00 (index linked) for a 3 bedroom open market unit

£ 3,440.00 (index linked) for a 4 bedroom open market unit

to provide for sustainable transport infrastructure to serve the development. The sum shall be paid on or before commencement of the development, and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Improvements to passenger waiting facilities in Moreton on Lugg, shelter and kerbs.
- Installation of 5 dropped crossings
- Village gateway features including different coloured surfacing from the A49 east to the speed limit scheme will include gates, signage improvements and white line removal.

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

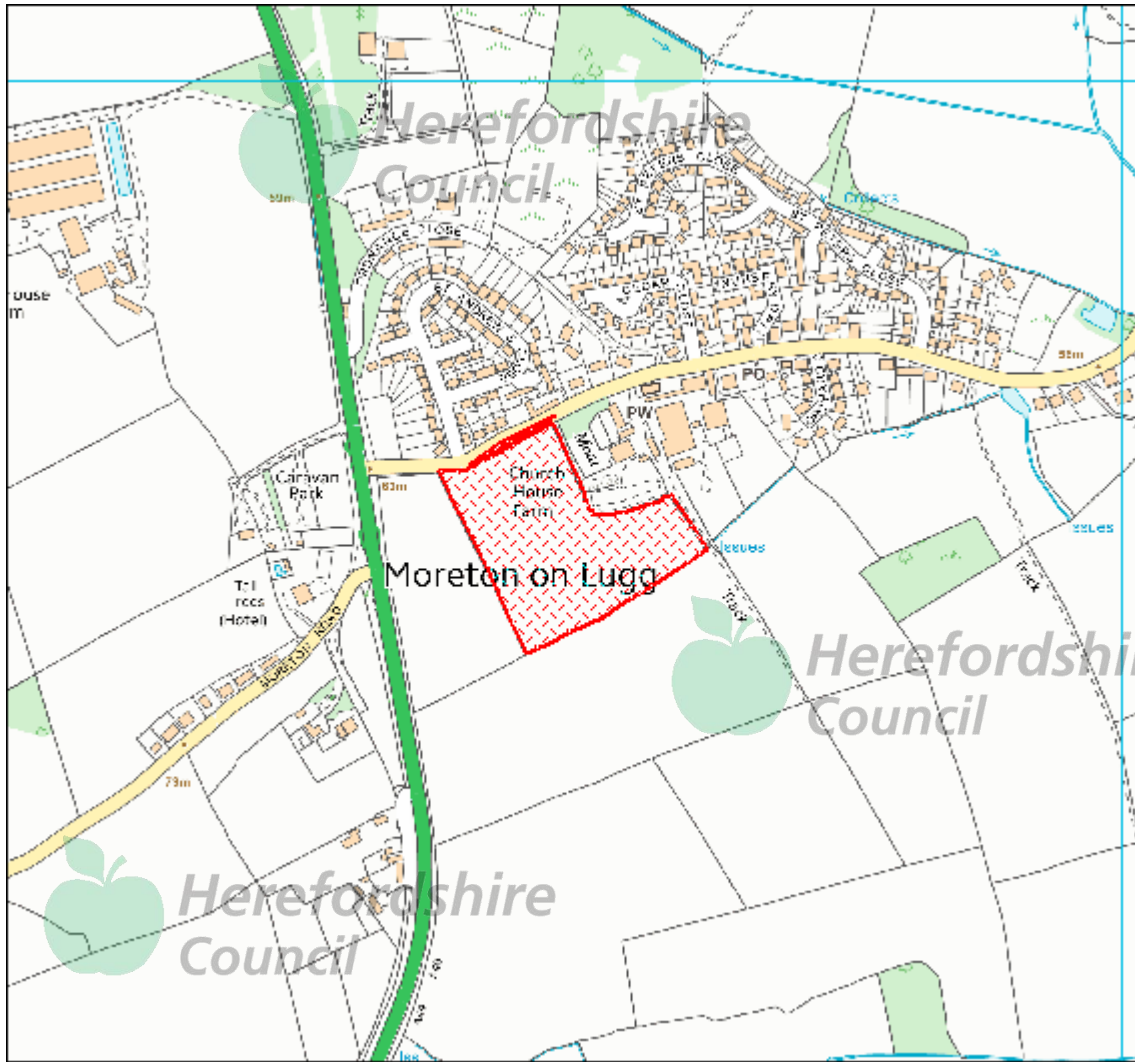
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development
4. The developer covenants with Herefordshire Council to provide a minimum;
 - Public Open Space 0.058 hectares (580sqm) @ 0.4ha per 1000 population
 - Children's Play 0.117 hectares (1,170sqm) @ 0.8ha per 1000 population. Of this 0.036 hectares (360sqm) should be formal equipped play @ 0.25ha per 1000 population.
5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: The Council does not adopt open space. However, in exceptional circumstances it will consider adoption. Any attenuation basin and/or SUDS/SWALES which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period
6. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 - 2031 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. The developer covenants with Herefordshire Council that 54% of the affordable housing will be made available for social rent and 46% of the affordable housing will be made available for intermediate housing.
8. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 10 & 11 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 10.1. a local connection with the parish of Moreton-on-Lugg.
 - 10.2. in the event of there being no person with a local connection to Moreton-on-Lugg any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate

under sub-paragraph 10.1 above.

11. For the purposes of sub-paragraph 10.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members; or
 - 11.5. because of special circumstances;
12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
13. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
14. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
15. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
November 2017



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

APPLICATION NO: 172919

SITE ADDRESS : LAND TO THE WEST OF CHURCH HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE

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|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 15 November 2017 |
| TITLE OF REPORT: | 171863 & 171864 - PROPOSED CONVERSION OF EXISTING BARNs AND ANNEX TO PROVIDE 2 ADDITIONAL DWELLINGHOUSES AT OLD COURT, BROBURY, HEREFORD. (PLANNING AND LISTED BUILDING CONSENT) For: Mr Bulmer per Mr Alex Coppock, Studio 1, The Grange, Shelwick, Hereford, Herefordshire HR1 3AW |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171863&search=171863 |
| Reason Application submitted to Committee – Redirected | |

Date Received: 19 May 2017
Expiry Date: 2 August 2017

Ward: Castle

Grid Ref: 334585,244286

Local Member: Councillor WC Skelton (Councillor RJ Phillips is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 Old Court Farm lies approximately 2.3km south west of Staunton on Wye accessed via Scar Lane to the south side of Roman Road. The site comprises six buildings situated around a traditional farm courtyard and accessed from the single width unclassified road, U90002 via a private track serving the farm and a separate Grade II listed building to the south, known as Magdelene. The site is approximately 482m west of the River Wye.
- 1.2 The main house on the proposal site, Old Court Farm, along with adjoining Granary Annexe, is Grade II listed and is situated to the northeast of the corner of the courtyard. It is situated in one corner of a farmstead complex which incorporates a series of ancillary historic farm buildings. Two of the buildings, both large barns, are also separately Grade II listed, referred to as Barn 1 and Barn 2. The remaining buildings are considered to be curtilage listed by virtue of their historical and physical relationship with the listed farmhouse.
- 1.3 Attached to the west elevation of the main house is the two storey 'Granary Annexe' which is currently being used as a mix of additional residential space with the main house and vehicular and equipment storage. To the immediate west of the Annex is a pathway which allows access from the courtyard to the north garden area. To the south east corner of the courtyard is a large Grade II listed Barn (Barn 1) with a further Grade II listed Barn (Barn 2) lying to the southwest of the courtyard.
- 1.4 The proposal seeks planning permission and listed building consent for the conversion of one Grade II listed barn (Barn 1) and the 'Granary Annex' into two residential dwellings.

Further information on the subject of this report is available from Hazel Nash on 01432 261903

1.4.1 **Barn 1:**

Proposed conversion of barn 1 into a 5 bedroomed dwelling with ground floor living accommodation.

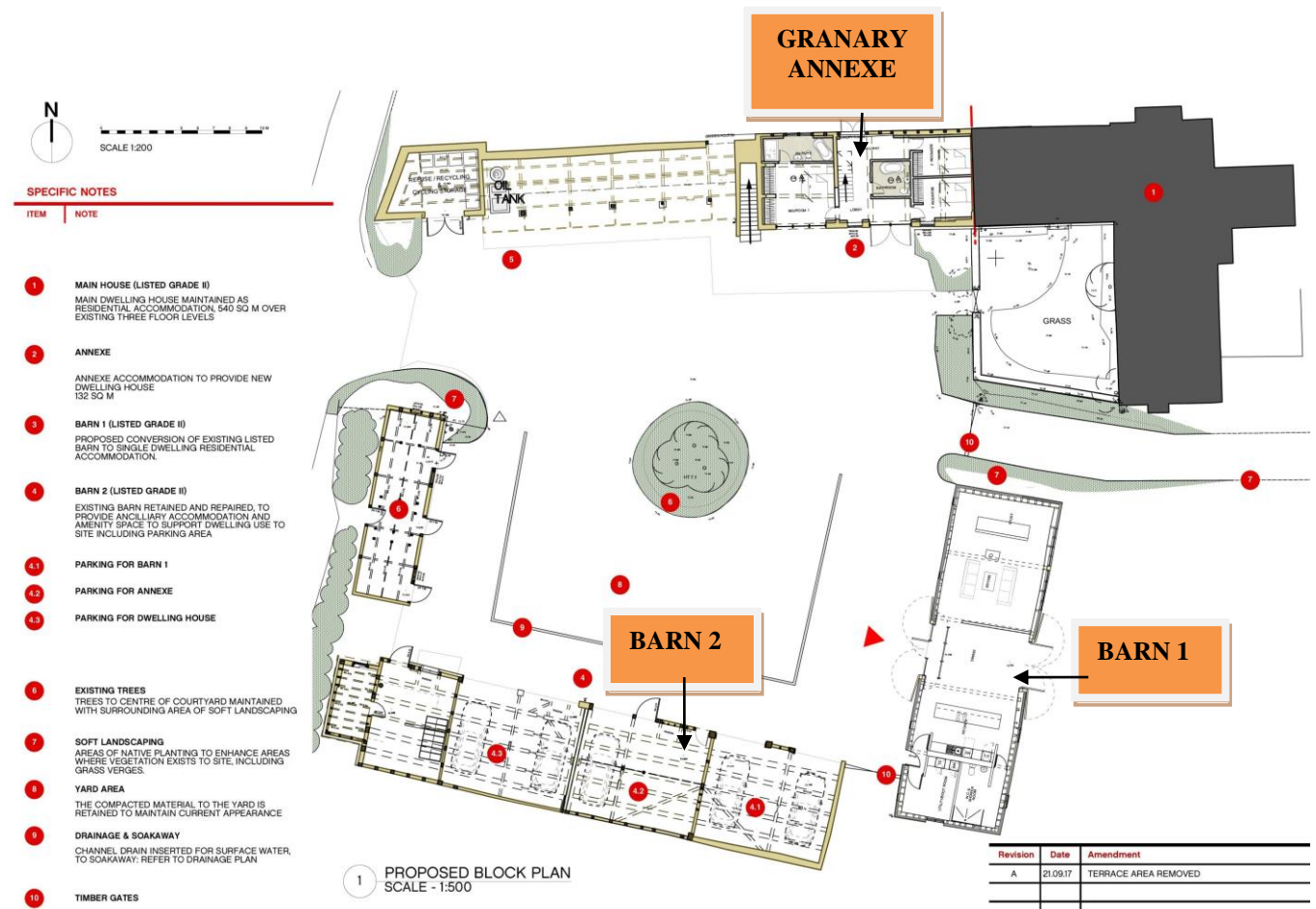
1.4.2 **Barn 2:**

Barn 2 to be retained and repairs undertaken to provide car parking for 5 private vehicles and storage use for dwellings. The existing openings will be utilised.

1.4.3 **Granary Annex:**

Proposed conversion of the Annex into a three bedroomed inverted residential dwelling

1.5 Amended drawings and additional information have been submitted to address various concerns raised. Corrections have also been made to, in particular, the original Justification Statement which accompanied the application.



2. Policies

2.1 Herefordshire Local Plan Core Strategy:-

- SS1 - Presumption inf favour of sustainable development
- SS6 - Environmental Quality and Local Distinctiveness
- RA3 - Herefordshire's Countryside
- RA5 - Re-use of Rural Buildings

Further information on the subject of this report is available from Hazel Nash on 01432 261903

- LD1 - Landscape and townscape
- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and Heritage Assets
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Wastewater treatment and river water quality

2.2 National Planning Policy Framework

- Chapter 6: Delivering a wide choice of High Quality Homes
- Chapter 7: Requiring Good Design
- Chapter 11: Conserving and Enhancing the Natural Environment
- Chapter 12: Conserving and Enhancing the Historic Environment
- Para 14: Presumption in favour of sustainable development

2.3 Neighbourhood Plans

Staunton-on-Wye and District Group Neighbourhood Development Plan was adopted on 13th June 2016. It is a material consideration for the purposes of determining planning applications.

- Policy SOW G1: Sustainable Water Management
- Policy SOW B5: Change of Use of Redundant Agricultural Buildings
- Policy SOW D1: Change of Use

https://myaccount.herefordshire.gov.uk/media/4353697/staunton_on_wye_neighbourhood_plan_jan16.pdf

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

- 3.1 P162799/L - Proposed conversion of existing barns to provide 5 dwelling houses - withdrawn
- P162794/F - Proposed conversion of existing barns to provide 5 dwelling houses – withdrawn
- DCH991966/L - Minor alterations to windows in house, addition of glazed panels in barn and granary, replacement of corrugated iron cladding on barns with timber – approved with conditions

4. Consultation Summary

The scheme has been updated and amended during the application process. As a consequence, and where relevant, both the original and updated responses from consultees are reported below.

Statutory Consultations

4.1 Natural England Further Information Required

Further information on the subject of this report is available from Hazel Nash on 01432 261903

There is currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development. We advise you to obtain the following information:

- Clarification of what the proposed package treatment plant will discharge to.
- We understand that currently it is proposed that the package treatment plant will discharge to a watercourse. We would advise that it should discharge to a soakaway. If it is proposed that the package treatment plant discharges to a watercourse, then information on how much phosphate will be discharged from the proposed package treatment plant should be provided. (This is to enable the Local Planning Authority to assess how this proposal will affect the headroom capacity (calculated in population equivalent) that was set out in the Nutrient Management Plan and was used to calculate development in the Herefordshire Core Strategy.)
- We advise that foul sewage be disposed of in line with Policy SD4 of the adopted Herefordshire Core Strategy. Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. 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. We advise that package treatment plants/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).
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.
- • A Construction Method Statement explaining the measures in place to protect the River Wye SAC and its tributaries from any harmful discharges during construction should be submitted and approved by the LPA before any work takes place.

4.2 Historic England: No Objection

The amended plans represent a significant reduction in the intensity of the proposed conversion scheme and in the level of intervention in the Grade II listed buildings. The concerns we raised in our letter of 26 October 2016 [in relation to the withdrawn scheme] regarding the impact of excessive fenestration, rooflights, the relationship between historic timbers and new window openings and the formalisation of the exterior floor-scape have been addressed. We consider that the level of intervention now constitutes alteration rather than demolition in the planning sense and does not therefore trigger engagement by Historic England.

Recommendation

We recommend that this application be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

Internal Council Consultations

4.3 Land Drainage Officer Further Information Required

The following information should be provided prior to the Council granting planning permission:

- The finished floor levels of the north-eastern building should be raised by 350mm to prevent surface water ingress;
- Herefordshire Emergency Planners should be consulted to produce a Flood Evacuation Plan;
- Further information of BRE365 infiltration testing including test pit location and groundwater levels. These results should be used to provide calculations to demonstrate whether soakaways are a viable option. The calculations should demonstrate 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;

- If infiltration is not viable, the Applicant should provide an alternative drainage strategy that incorporates SuDS. The Applicant should also consider the use of rainwater harvesting and/or water butts if infiltration does not prove viable.

Once the above information has been provided and approved, the following information should be provided within suitably worded planning conditions:

- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;
- Details of proposed outfall structures.

4.4 Service Manager - Built and Natural Environment (Historic Buildings)

Original response:

Further Information Required

Although the application is acceptable in principle, there are some details that should be addressed or clarified before the submitted scheme can be approved. Therefore we would like more information on the following items:

1. In the justification statement, paragraph 3 on page 11 states that barn 2 will be converted to a dwelling. The submitted plans make it clear that it is just barn 1 and the annexe to be converted, but this typo has raised some comment.
2. At the end of the justification statement the listing details for the wrong buildings have been supplied.
3. The north arrows on drawing A.195 13.03 E.10 are incorrect (the north arrow in the key is correct).
4. On the proposed elevations for barn 1 (drawing number 1 A.195 13.03 P.31), item 10 shows ground floor glazing using openings in the frame behind the existing corrugated metal on the east elevation. However, the rest of barn 1 suggests there may be diagonal braces in the frame at this point. The proposed openings would mean removing the diagonal braces. If the braces do exist here, another solution to provide openings should be sought
5. Details of the new stair for accessing first floor storage in barn 2 should be provided.

There has been some concern over the barn floors in the listed buildings, if they are to be removed we would seek a condition that they are recorded beforehand. Alternatively if it is made clear that the floors will be preserved in situ under the new flooring, this should be stated.

6. The double door and window arrangement on the north elevation of the annexe is too domestic for an agricultural building.
7. The ground floor plan for the annexe shows what appears to be a patio outside the double door to the east on the southern elevation. This lends the risk that a domestic style entrance will intrude into the agricultural courtyard.

Service Manager - Built and Natural Environment (Historic Buildings) Response in relation to the updated/amended proposals - Support subject to conditions

The less than substantial harm the proposals would cause to the setting of the nearby listed buildings and character of the conservation area is mitigated by the public benefit of housing provision and as such accord with policies contained within the National Planning Policy Framework (NPPF), para 131, 132, 134 and Herefordshire Council's Core Strategy particularly LD4 and RA5.

The removal of an area of metal cladding to one area of Barn 1 and its proposed larger openings on this elevation are not characteristic of the typology of building and would have an affect its evidential and aesthetic significance due to the solid to void ratio on the Threshing Barn (1) This could be resolved by using louvres for some of the openings.

Impact on setting of the listed buildings

The external changes are all relatively minor, with only the north and south facing elevations of the granary and the west facing elevation of Barn 1 showing any real changes. Two of these elevations face the courtyard which defines much of the character of Old Court and its ancillary buildings, whilst the north elevation of the granary is not visible from nearby listed buildings. As a whole, the proposed changes retain the agricultural feel of the complex and are necessary to allow use of the buildings as dwellings. Any changes visible from Magdalen will be very minor and not affect the setting of this building; which is that it is experienced at the edge of a traditional farmstead complex.

Barn 1

The interior layout retains the full height space through the threshing area which is the defining feature of this building. The glazing treatment of this central bay's openings to the east and west elevations also show this key feature, making it readable from outside as well as respected within. New openings are suitably agricultural, reminiscent of narrow arrow slits typical for ventilation in a threshing barn. The original bays of the barn are respected in the new room divisions. Floors will be removed here, so recording is to be carried out before development begins.

The north and south elevations are left largely unaltered; the use of the apex of the gables to let in light maintains the relatively solid, agricultural appearance of these end elevations. The avoidance of rooflights further maintains much of the solid feel of the building, particularly to the courtyard facing west elevation.

Barn 2

Alterations to the historic fabric here are minimal and the proposed function as a garage is a good viable use which will aid the maintenance and future life of the building. This new use also reflects the historic use of the building as a cart-shed. The existing flooring is to be retained.

All exterior elevation treatments are acceptable as they are limited to like-for-like repairs which will enhance the building and complex as a whole.

Annexe

The main intervention to the north elevation is the insertion of a double door, requiring the loss of some structural timber. This intervention is relatively minor and on the less important north elevation so will be acceptable. The few new window openings use existing spacings between structural timbers so will be permitted.

The major change to the south elevation is the new glass double doors replacing the garage doors. The new doors allow the retention of the original openings so will be permitted.

The interior layout uses the space well by having bedrooms downstairs and living area upstairs. No existing walls will be damaged and new stud partitions are all acceptable.

Details

All provided details show care has been taken that new doors and windows will fit the character of the buildings in materials and flush profiles, and that wall and floor treatments have considered damp, ventilation and insulation.

Gardens

The treatment of the gardens respects the integrity of the courtyard and is not overly domesticated so can be approved.

4.5 Environmental Health Housing Manager – No Objection

The following remarks are made on behalf of Environmental Health Housing in respect of the above app:

- The proposed plans should include for a fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room. If there is more than a 4.5 metre drop from bedroom windows (e.g. from the third floor), then an alternative layout should be provided so that persons can exit the flat from the bedroom without the need to go through a risk room.
- In addition, an appropriate automatic fire detection system complying with BS5839:2013 should be fitted to cover the whole development including common areas and leisure facilities.
- From looking at the plans, there appears to be reduced head room within the upper floor of Barn 1. Please ensure that the usable floor area is sufficient for the room use.
- I can't seem to see a window in bedroom 2 of the annexe development-all bedrooms need an openable window to provide sufficient lighting and ventilation.

4.6 Service Manager - Built and Natural Environment (Ecology) Original Response: Objection

The site falls within the updated (Nov 2016) River Wye SAC & SSSI Impact Risk Zone that includes "any discharge of water or liquid waste, including to mains sewer" and any planning application...affecting rural properties outside of existing settlements. This requires Natural England to be a statutory consultee and places a legal Duty of Care upon this Authority to ensure all 'Likely Significant Effects' (LSE) are mitigated. The clearly identified LSE are foul water management, surface water management and the construction process.

I note that the application clearly states that final discharge from Package Treatment Plant(s) is to be to a watercourse that leads directly to the River Wye approximately 400m away. This is not acceptable and would be a clearly unmitigated LSE due to the direct discharge of Phosphates (and additional residual nitrogen and suspended particulates) in to the local aquatic environment and as an immediate individual/cumulative effect on the River Wye SAC/SSSI. Core Strategy Policy SD4 and LD2.

This final outfall should either have a full secondary phosphate removal system and then through a natural reed bed filtration process before discharge off site or be managed through appropriate soakaway/spreader field on land under the applicant's control (subject to relevant percolation tests and statutory requirements). Confirmation of this final outfall management

must be supplied prior to determination of this application in order that the required Habitat Regulations Assessment can be completed. Natural England should be consulted once this required detail has been provided.

I note that surface water will all be managed 'on site' through a SuDS/Soakaway system so this LSE can be considered mitigated subject to this being subject to an implementation Condition.

A detailed Construction Environmental Management Plan is requested as a Pre-commencement Condition to ensure that all 'LSE created by the construction process (eg ecological Risk Avoidance Measures, material storage, spills and pollution, light, noise, dust etc) are fully mitigated.

Nature Conservation Protection condition

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

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

I note the results of the bat survey and the proposed mitigation, and compensation plan. This looks relevant and appropriate and I am minded to condition these as they will be subject to final approval through the required European Protected Species Licence process post any planning consent and before ANY work commences on site.

The report includes some suggested Biodiversity enhancements (as per NPPF and Core Strategy guidance) but I note there appears to be no provision for supporting pollinating insect populations and I would request that the plans are updated to include some appropriate insect habitat boxes in addition to the currently proposed enhancements for birds and legally required bat roosting compensation.

Once the required Foul Water outfall has been clarified and supported with relevant percolation tests and the additional biodiversity enhancements have been included and updated information supplied I am happy to review my Objection and finalise and recommend relevant Conditions.

Ecology Re-consultation response Support subject to conditions

The site falls within the updated (Nov 2016) River Wye SAC & SSSI Impact Risk Zone that includes "any discharge of water or liquid waste, including to mains sewer places a legal Duty of Care upon this Authority to ensure all 'Likely Significant Effects' (LSE) are mitigated The clearly identified LSE are foul water management, surface water management and the construction process.

The amended application information (supplied 0/08/2017) confirms that a the final outfall from the proposed new package Treatment Plant cannot be discharged through a soakaway system due to percolation issues and that as previously indicated connection to the mains sewer system is not possible in this location. In line with the Council's Core Strategy SD4 and LD2 the applicant is now indicating that the PTP system proposed will be upgraded with an enhanced Phosphate (P) removal system ('+P') as part of the processing of effluent within the Plant.

As indicated on the supplied internationally recognised PIA test certificate the addition of the '+P' management system reduces P levels in the final outfall to those in line with current best industry practice for large mains sewer treatment plant outfalls. (under 1mg/litre) and so the final outfall will have no different 'likely significant effects' on the River Wye SAC than would connection to mains sewer system. This PTP with '+P' should be subject to an implementation condition and initial 5 year maintenance plan requirement (see below for a suggested non-standard Condition). I note that the existing septic tank from a separate development that outfalls through the adjacent field will be connected to the new PTP +P system and so the new PTP should sized with capacity and headroom as appropriate. As PTPs benefit (average efficiency) from regular flow rates this additional input should help maintain the system and with the +P system in place there will be no negative impacts and potential overall betterment by this joint use.

I note that surface water will all be managed 'on site' through a SuDS/Soakaway system
A detailed Construction Environmental Management Plan is requested as a Pre-commencement Condition to ensure that all 'LSE created by the construction process (eg ecological RAMs, material storage, spills and pollution, light, noise, dust etc) are fully mitigated.

Nature Conservation Protection - condition.

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

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

Nature Conservation protection (Foul water) - condition

Prior to first occupation of any of the new dwellings the completion/installation certificate for a relevant Package Treatment Plant with additional +P phosphate stripping system Certificated to a Phosphate (P) outfall level less than 1mg/litre; along with a signed copy of a 5 year maintenance agreement for the installed PTP with +P system shall be supplied to the Planning Authority for approval.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended); the Conservation (Natural Habitats, &c) Regulations 1994 (as amended); Policies LD2 and SD4 of the Herefordshire Core Strategy; National Planning Policy Framework (as amended) and NERC Act 2006

I note the ecological survey and with Bats confirmed as being present a European Protected Species Licence will be required (depending upon timing of EPSL application updated ecological surveys may be required by natural England). The following Condition should be included:

Nature Conservation – Ecology Protection and Mitigation - condition

The ecological protection, mitigation and working methods scheme and European Protected Species Licence (Bats) as recommended in the Ecological Report by Star Ecology dated October 2015 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

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

In addition to the required mitigation and compensation under an EPSL and as per NPPF and Core Strategy developments should show how they will offer wider biodiversity enhancements – to ensure these I would request the following condition is included: Planning Services, PO Box 230, Hereford. HR1 2ZB Herefordshire Council Main Switchboard (01432) 260000 www.herefordshire.gov.uk PAX

Nature Conservation – Enhancement - condition

Prior to commencement of the development, and in addition to any mitigation or compensation required for a European Protected Species Licence, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Informative:

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bird nesting and invertebrate/pollinator/solitary bee homes to be incorporated in to the converted buildings as well as consideration for a hedgehog house within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies Initiative (DEFRA/NPPF Guidance 2013).

In summary;

With the relevant Conditions suggested above in place I am happy to conclude through a Habitat Regulations Assessment that this proposed development should have NO unmitigated ‘Likely Significant Effects’ on the River Wye SAC/SSSI or Protected Species; and should offer enhancements to support the local biodiversity.

4.7 Arboricultural Officer Further Information Required

I have reviewed the submitted information and have the following comments in relation to the existing arboricultural resource. The site has good tree cover which is in reasonably close proximity with existing barns which are proposed to be developed/converted.

To enable an assessment of how the development would affect the existing trees on site, I consider that the applicant should undertake a full BS5837:2012 tree survey. This will identify all trees on and adjacent to the site which could be adversely impacted by the development proposals. This will identify above and below ground arboricultural constraints the trees present to the proposed to the development.

To accompany the tree survey, the applicant should then produce a detailed arboricultural impact assessment (AIA) which will assess the impacts to existing trees, highlight tree loss and set out clear recommendations to reduce or mitigate these impacts. This should include a tree protection plan showing all tree protection measures, such as tree protection fencing (and specification) and ground protection (if required).

4.8 Transportation Manager No Objection

This application is for 2 additional barn conversions on top of its current usage. Access is existing. Whilst Highways would have a concern if the site were to be significantly intensified we

feel that two homes would not qualify this and as such we offer no formal objections to this application.

In light that there are no real highway implications and the site is not intensified above the level of this application please find our approval

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

No further intensification without a new application
CB2 - H29 Secure covered cycle parking provision

5. Representations

5.1 Staunton-On-Wye Parish Council Qualified Comment

The Parish Council notes the changes and variations that have been made to the previous application. We believe that the plan in its proposed form is a significant improvement to that which was proposed before and is more in keeping with the Neighbourhood Plan. However we would make the following points and ask for the conditions listed below to be placed on any development:

1. The Parish Council remains concerned about the foul water drainage from the new properties and is seeking to ensure that any drainage system installed will contain safeguards to ensure that foul water cannot flow into the pond or stream leading to the river at any time including when there is flooding. We recommend that Herefordshire Council makes specific reference to the foul water drainage system if consent is granted. We also recommend that it is a condition that the existing drainage to Old Court is upgraded as part of the consent given that there have been reports of foul water reaching the stream.
2. The Parish Council is particularly concerned to ensure that the barn (barn 2) which has been designated for car parking is preserved for future generations. We recommend that the developer is required to carry out repairs and renovation work on the barn before the commencement of the other development and for legal restrictions on future development of this building.
3. The Listed Buildings and Conservation Areas Act 1990 (sections 16 and 66) requires that listed buildings and their settings are protected and preserved. Clearly any development must ensure this. We would therefore expect to see a clear independent analysis of the historic value of each building and the group and proposals that ensure the protection of the important features – in particular the ancient and rare timber frame and floor structures of barn 2 designated for parking.
4. The Parish Council has noted the significant number of bats at Old Court and would expect that in accordance with the Bat Survey it is a condition that bat lofts and boxes are installed within the barns. These bat lofts and boxes should be installed and be in use before any development of the residential units commences.
5. The road running alongside Old Court provides access to the neighbouring farm land. The Parish Council requests that as a condition of the development parking in the road is restricted during construction to prevent access for farm vehicles being blocked.
6. It has been brought to the attention of the Parish Council that there used to be a sheep dip between the barn, which is to be converted into a house, and the pond. The soil in this area

may therefore be contaminated. We recommend that tests are carried out on the soil before commencing work.

7. The survey of newts identifies the presence of great crested newts as well as other species. The plans do not identify how the newts will be accommodated after the development is completed or how the newts will be prevented from entering the surface water drains. Detailed plans for the newts, as recommended in the survey, should be approved prior to any work being carried out and made a condition of the development.
8. The ground floor window of the proposed utility room in barn 1 faces south and overlooks the garden to the neighbouring property Magdalen. We recommend that the glass in this window should be opaque to protect the privacy of the neighbouring property.
9. The flood risk assessment identifies the possibility of flooding around the property resulting in the access road becoming impassable. The applicant proposes an emergency access across the adjoining apple orchard noting that the orchard is currently in the same ownership as the property. As the ownership of the orchard cannot be guaranteed after the development of the property the Parish Council recommends that a right of way for a footpath is granted over the apple orchard as a way of ensuring that the emergency access is maintained. The granting of the right of way should be a condition of development.

5.2 CPRE Objection

It is noted that this proposal is significantly less damaging than the applications submitted in September 2016 (P162794/F and P167799/L) and subsequently withdrawn. We objected to the original proposal on a number of grounds and the current applications go some way to reducing any harmful impacts which is to be welcomed. Nevertheless, there are still some issues of concern:

1. Conflict with Staunton on Wye District NDP and Herefordshire Local Plan.

Brobury is a tiny dispersed hamlet and Old Court Brobury is adjacent to a single dwelling, with 1 other dwelling nearby. The proposal seeks to develop a further 2 dwellings, in an area which is classified in the Staunton on Wye District Group NDP as open countryside.

It is of note that the NDP has limited development to groups of no more than 3 dwellings in the single area where development is permitted (Staunton on Wye village). Thus, any residential development outside this area would be in conflict with the NDP. Page 5 of the NDP states: "The challenge for the future is to ensure that overdevelopment is guarded against whilst allowing for an appropriate level of growth over the plan period in locations which satisfy the Neighbourhood Plan policies". This is further emphasized in the Community Vision Statement and Objectives, which clearly express the desire of the community to focus development on Staunton on Wye village and "to ensure oil development is sensitive to residential amenity and to the local environment". These aspirations are enshrined in NDP policy SOWH1.

It is recognized that there may be a case for developing these agricultural buildings under Policy SOWB5 for change of use of agricultural buildings. However, the proposed development would not fulfil the necessary conditions, given that the agricultural buildings are in use for the management of the adjacent traditional orchard. There are concerns that there may follow proposals for new agricultural buildings should these historic buildings be converted into dwellings.

There is also conflict with Herefordshire Local Plan Policies. Policy RA3 allows development outside settlements defined in Neighbourhood Plans only if they satisfy a list of criteria. This proposal satisfies none of them. Paragraph RA5 refers to development of disused or redundant buildings, and as stated above the buildings are in use.

2. Adverse effect on the setting and character of the listed buildings

Old Court Brobury and its outbuildings are grade 2 listed and enjoy a beautiful courtyard setting. Such clusters of historic buildings and their settings are becoming increasingly rare.

The importance of this group of historic buildings has been greatly underestimated, especially the effect of the proposal on the historic setting of the main building, Old Court Brobury. Whilst the applicant has submitted a Heritage Appraisal, there is no statement of the qualifications of the appraiser. Furthermore, the Heritage Appraisal does not fully and accurately identify and describe the assets and their setting which is the essential first step to ensure their protection.

Historic England's Good Practice Advice in relation to the setting of historic buildings (The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3 March 2015 is echoed by NPPF paragraph 128 which requires an applicant "to describe the significance of any heritage assets affected, including any contribution made by their setting o minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise ." It should be expected of the applicant to provide a detailed professional report from a qualified expert.

It is also of concern that there is no indication of the sequence of steps in the development. This may result in the development of the dwellings initially with enthusiasm waning for the restoration work on the other listed buildings, notably barn 2.

3. Wye Valley SAC

The proposed site is very close to the Wye Valley SAC and all drainage will flow via the immediately adjacent pond and stream into the River Wye. The effluent from the properties would therefore flow into the river exacerbating existing high phosphate levels. This conflicts with NDP policy SOWG1 which clearly states: "Development within 100 metres of the boundary of the River Wye SAC will not be supported".

There is also conflict with Herefordshire Local Plan Policies SD3 and SD4. In particular, SD4 states: "Planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC..."

Furthermore, there is conflict with NPPF paragraph 109: "The planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from...unacceptable levels of soil, air water or noise pollution", paragraph 110: "In preparing plans to meet development needs the aim should be to minimize pollution and other adverse effects on the local and natural environment", and paragraph 113 which requires policies against proposals affecting protected wildlife sites and requires: "...Distinctions to be made between the hierarchy of international, notional and locally designated sites". Clearly the NDP and the Herefordshire Local Plan have sought to comply with the NPPF in recognising these requirements and in particular the international designation of the Wye Valley SAC.

Should the above obstacles to the development be overcome, and planning permission granted, we would ask you to consider the following conditions:

- I. Construction of new barns in or around the property and orchard should be prohibited (if the buildings are truly redundant then there should be no need for any).
- II. No further residential development should be permitted on or adjacent to the site.
- III. The necessary works to preserve and protect barn 2 should be completed before other development on the site.

5.3 Public Objections:

A total of 36 Objections were received.

The issues of concern raised centre around the following issues:

Further information on the subject of this report is available from Hazel Nash on 01432 261903

- 1- The change to the character of the farm complex at Old Court
- 2- The impact of the proposal on the historical and architectural features of the heritage assets, namely Barn 1 and Barn 2, the Farmhouse by virtue of its proximity to the listed barns and the historic importance of the Granary Annex which is considered to have been overlooked in the application;
- 3- Intensification of use of the lane to the west of Old Court Brobury and the capability of the unclassified road to absorb the additional vehicular movements related to the proposed residential use;
- 4- Flood risk associated with the access to the site;
- 5- Impact on wildlife and protected species, particularly bats and owls;
- 6- Foul and surface water drainage and the practicalities of the proposed management plans;
- 7- Impact of the development on the Brobury Farm which uses the access to reach land behind;
- 8- Concern over the term “ancillary uses” to Barn 2;
- 9- Many comments considered the proposal to be unsustainable and argued it is contrary to policy, citing the NDP and HCS, particularly LD4.

5.4 The consultation responses 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

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 The Herefordshire Local Plan (‘HLP’) is the development plan and is comprised of the Core Strategy (CS) and the Staunton-on-Wye and District Group Neighbourhood Development Plan (the NDP). The CS sets the overall strategic planning framework for the county, shaping future development, whilst the NDP provides more detailed local policies for the neighbourhood area.

6.3 CS strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight dependent upon their consistency with the NPPF.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 ‘Delivering new homes’ directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15, also supported. Brobury is not identified as one of those settlements. Therefore the site lies in open countryside.

6.5 Policy RA3 sets out the circumstances in which houses may be supported outside of identified settlements. This includes, amongst other things, bullet point 4 which provides for development

Further information on the subject of this report is available from Hazel Nash on 01432 261903

to be supported where the proposal “would result in the sustainable re-use of a redundant or disused building(s) where it complies with policy RA5 and leads to enhancement of its immediate setting”.

6.6 Policy RA5 sets out criteria which a proposal for the sustainable reuse of an individual or group of redundant or disused buildings, including farmsteads in rural areas, should satisfy in order to be capable of being permitted:

1. Design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its listing;
2. Design proposals make adequate provisions for protected and priority species and associated habitats;
3. The proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause any undue environmental impacts;
4. The buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and
5. The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hardstanding or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.

6.7 Similarly, Policy SOW B5 of the NDP seeks to support proposals or change of use of redundant agricultural buildings to residential and holiday accommodation where:

- (a) the use proposed will not give rise to unacceptable highway, amenity, landscape or other environmental impacts;
- (b) the change of use can be achieved in compliance with policies SOWD1 and 2.

6.8 Policy SOW D1 of the NDP sets out the design principles for the area where there is a change of use:

- (a) In the case of traditional buildings proposals for change of use will be supported where it can be demonstrated that the new use can be accommodated without substantial extension and that existing materials and features have been retained and enhanced.
- (b) In the case of modern building, if alterations to features and materials are proposed, their types and colour must ensure that there is no additional visual impact over and above that which exists.

6.9 Provided that the application demonstrates that the proposal addresses these points set out in RA5 of the CS, SOW B5 and SOW D1 of the NDP there is a presumption in favour of development. The report will consider each of the RA5 criteria in turn; this on the basis that these criteria encompass the main relevant issues – commencing with the impact of the proposals upon the heritage assets.

Conservation and Enhancement of Heritage Assets

6.10 The Planning (Listed Building and Conservation Areas) Act 1990 under s.66(2) provides that “the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. This is reflected in Policy LD4 of the CS which provides that development proposals should “protect, conserve, and where possible enhance heritage assets and their setting in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible”.

- 6.11 Historic England is content that the proposal constitutes alteration to the listed buildings and accordingly defers to the Local Authority's Building Conservation Officer for the specific advice and comments on acceptability of the proposals.
- 6.12 Barn 1 is an independently listed Grade II listed building, originally a threshing barn. Comments from the Building Conservation Officer following re-consultation on amended plans are supportive of the conversion, highlighting the sympathetic glazing treatment and suitable new openings which reflect the original form and functionality of the barn and conserve and enhance the architectural features of the heritage asset in accordance with Policies LD4, CS and SOW D1 of the NDP.
- 6.13 The Granary Annexe forms part of the former Old Court farmhouse, which is Grade II listed. Again, comments from the Building Conservation Officer, re-consulted after the provision of amended plans and additional information, clearly concludes that the proposal to convert the annexe into a three bedroomed residential unit complies with Policy LD4 of the CS and SOW D1 NDP on the basis that the new openings are sensitive to the timber frame structure and the main opening to the south elevation retains the original openings. Furthermore, the inverted layout, with the living space on the first floor was considered by the Building Conservation Officer to utilise the internal space efficiently and sensitively.
- 6.14 The proposed renovations and repairs to Barn 2, separately Grade II Listed, are supported by the Building Conservation Officer. The works, which enable Barn 2 to be used for garaging and storage, reflect the original use of the building and are considered to be necessary for the proposed function. Furthermore, the works are considered to be a benefit for the long term conservation of the building and the wider enhancement of the setting, complying with LD4, CS.
- 6.15 The setting of the listed buildings around the old farmyard are considered to be enhanced by the proposed scheme, the light touch to the conversion of Barn 1 and the Granary Annexe conserves and protects the listed building themselves and the wider rural character of the site. This is further discussed under section 6.20-6.23 below. This is achieved through minimal additional openings, sympathetically introduced to reflect the original functions and architectural style of the buildings and suitable materials for the external finish.
- 6.16 The neighbouring Grade II listed building, Magdalen, is situated to the south of the site some 15m from the rear elevation of Barn 2. The setting of Magdalen is not considered to be detrimentally affected by the proposed changes at Old Court, on the basis of (i) the degree of separation between the plots; (ii) the screening between Magdalen and Old Court farm yard (iii) the orientation of the buildings proposed for conversion and renovation, which face into the central court yard and (iv) the extent and type of proposed works, which as set out above, are considered to conserve and enhance the building at Old Court, Brobury.
- 6.17 In conclusion on the first main issue, the Building Conservation Officer is content that the scheme would result in less than substantial harm to the significance of the identified heritage assets that would be affected. In accordance with paragraph 134 of the NPPF the harm goes into the overall planning balance, which is returned to below.

Protected and Priority Species and Associated Habitats

- 6.18 The site is located within the updated (Nov 2016) River Wye SAC & SSSI Impact Risk Zone. Whilst the Ecologist initially objected on the basis of the direct discharge of phosphates from the proposed package treatment plant to the watercourse, leading to the River Wye SAC/SSSI, further information was subsequently submitted including the Percolation Test results, soakaway markup and information on the Biodisc unit (BioDisc +P) to be installed. Following the additional information, the Ecologist was re-consulted and now raises no objection to the proposal stating: "In line with the Council's Core Strategy SD4 and LD2 the applicant is now indicating that the PTP system proposed will be upgraded with an enhanced Phosphate (P)

removal system ('+P') as part of the processing of effluent within the Plant...the addition of the '+P' management system reduces P levels in the final outfall to those in line with current best industry practice for large mains sewer treatment plant outfalls". The Ecologist raises no objection suggesting a number of conditions to be attached to any planning approval; namely relating to the maintenance and certification of the Package treatment plant and BioDisc +P, a Construction Environmental Management Plan and biodiversity enhancement.

- 6.19 The Ecology Report, undertaken by Star Ecology and submitted with the application identified bat roosts in a number of the buildings on site including Barn 1. Drawing No. P05 A, entitled "Proposed Ecology Plan" reflects these findings, proposing mitigation including bat boxes. Comments received through public consultation raised concern in relation to bats and owls on site. There does not appear to be any owls utilising the buildings and conditions attached to an approval are considered capable of addressing these concerns, as highlighted in the consultation response form the Ecologist.

Compatibility with neighbouring uses and environment impacts

- 6.20 The existing farmhouse is currently lived in and this current residential use extends into the granary area of the listed building. The nearest neighbour beyond the site boundary is the property known as Magdalen, to the south. The degree of separation between the Magdalen and the buildings proposed for conversion is sufficiently distanced to be considered to have negligible impact on the residential amenity of those residing at the properties, complying with Policy SD1, CS and SOW B5, NDP. In drawing this conclusion officers have had regard to the Parish Council comments requiring the installation of an obscure glazed window to the utility room of Barn 1; citing overlooking of the garden associated with Magdalene. Officers conclude that a condition requiring this is not warranted.
- 6.21 There will be an increase in use of the access road, but not of such significance to lead to a conclusion that the proposal should be refused on this basis. Policy MT1, CS and SOW B5 refers to the acceptability of highway impacts of the proposal. The intensification of use is a modest increase which is considered by the Transport Engineer to be within the limits of acceptability. Furthermore the onsite parking provision and manoeuvring is sufficient and enables all forms of transport to leave the site in a forward gear. Accordingly, the proposal complies with Policy MT1 and SOW B5 in terms of traffic management and highways safety.

Existing buildings of permanent and substantial construction and capable of conversion without major or complete reconstruction

- 6.22 The application was accompanied by a Structural Report, undertaken by Sinclair Johnston. This report provides a commentary on the structure and structural proposals. Whilst some work of rebuild and repair is required Barn 1, the Granary Annexe and Barn 2 are all considered to be of permanent and substantial construction capable of conversion without major reconstruction. This is borne out in the Structural Report and also within the Amended Justification Statement. Comments from the Building Conservation Officer support the proposals on the basis of representing a suitable long term conservation and enhancement proposal for the heritage assets.

Sustainable Design

- 6.23 The conversion of the Barn 1 and the Granary Annexe maintain the existing character of the site and buildings whilst incorporating the architectural details and features into the conversions, respecting the heritage assets of the buildings and safeguarding the distinctive features of the buildings in a way that protects and enhances their setting. In these ways, the proposal is

considered to comply with Policy SD1 and LD4 of the HCS and Policy SOWD1 of the SOW NDP.

Site and Landscape Character

- 6.24 A number of objections raised concern relating to the change of character of the farm complex. Whilst the use of the buildings would be altered by the proposal, providing greater residential use than is currently on the site, the character of the site and the wider environment is rural and agricultural. The external appearance of the buildings will largely be preserved and enhanced in a manner considered by the Building Conservation Officer to be appropriate to the heritage assets and setting of the listed buildings and evidence of domestication is minimal.
- 6.25 The designs for the conversions of Barn 1 and the Granary Annexe, as well as the proposed use of Barn 2 are suitable in extent, style and finish, resulting in a proportionate, sympathetic and appropriate proposal capable of integrating into the site and the wider environment in a way which preserves the character of the farm and farm yard area, reflecting Policy LD1 and SOW B5 of the NDP.

Land Drainage and Flood Risk

- 6.26 Concerns have been raised that the land is prone to flooding. Whilst the site itself sits outside of Flood Zone 2 and 3, it is located adjacent, lying within 500m of the River Wye. This proposal adheres to SOW G1 of the NDP being located in Flood Zone 1 and more than 100m from the River Wye Special Area of Conservation, capable of being supported on this basis. The Amended Justification Statement provides a proposed Evacuation Scheme and further detail on this can be addressed through a condition.
- 6.27 The Land Drainage Officer raises concern over the viability of soakaways and therefore a pre-commencement condition requiring the submission of a detailed surface water drainage management plan for the approval of the Local Planning Authority is appropriate to address this issue.

Conclusion and Planning Balance

- 7.1 The proposal is considered to lead to less than substantial harm to the Grade II Barn 1 and Granary Annexe, as assessed by the Building Conservation Officer. However, LD4 of the CS does not provide guidance on the balancing of harm to a heritage asset against other material considerations and any benefits of the proposal. Consequently, paragraph 134 of the National Planning Policy Framework (NPPF) provides assistance. It states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".
- 7.2 For the purpose of reaching a decision on the planning application, regard must be had to the unweighted balance as per the second bullet point of Limb 2 to Paragraph 14 of the NPPF. If harm outweighs the public benefits (including securing its optimum viable use) planning permission should be refused. This is a straight forward balancing exercise i.e. it is not necessary that the harm *significantly and demonstrably* outweighs the public benefits for refusal to ensue.
- 7.3 In this case the proposals are sympathetic to the listed buildings and their setting; being considered as a viable method of long term protection and conservation of the Grade II Barns

and Granary Annexe, as comments from the Building Conservation Officer emphasise. This in itself is a sustainable re-use to which weight may be attached. Public benefits also arise from the re-use of the buildings as residential accommodation; particularly in the context of absence of housing land supply. Unlike some correspondents, officers do not detect conflict with the made NDP in this regard. Overall, therefore, officers consider that the proposals 'pass' the test set by NPPF 134.

- 7.4 It then falls to consider the proposals in the 'normal' planning balance, by factoring in any non-heritage impacts. This is the Paragraph 14 Limb 1 test. As set out above, ecological considerations and impacts have been examined by the Ecologist and are considered capable of being mitigated through conditions, thereby concluding that the proposal complies with Policy LD2 of the CS. Equally, the Transportation Manager is satisfied that the modest increase in use associated with the proposal will not result in substantial harm to highway safety, thereby complying with policy MT1 of the CS. Likewise, the proposal satisfies all aspects of SOWB5 and SOW D1 of the SOW NDP.
- 7.5 Consequently, there are no other adverse impacts to weigh in the balance and thus considered to significantly or demonstrably outweigh the benefits associated with securing the long term protection and conservation of the Grade II heritage assets and the wider setting of Old Court, Brobury. Therefore, the proposal satisfies paragraph 14 of the NPPF and results in a conclusion that the proposal complies with all relevant planning policy and all other material considerations.
- 7.6 Accordingly, the proposal complies with all relevant planning policies particularly Policies SOW B5, SOW D1 and SOW G1 of the SOW NDP and policies RA3, RA5, LD4, LD1, LD2, SD1 and MT1 of the CS. The proposal is recommended for approval with conditions.

RECOMMENDATION

171863

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

- 1. A01 Time limit for commencement**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F14 Removal of permitted development rights**
- 5. G03 Retention of existing trees/hedgerows**
- 6. H29 Secure covered cycle parking provision**
- 7. I16 Restriction of hours during construction**
- 8. I20 Scheme of surface water drainage**
- 9. I33 External lighting**

10. **K4 Nature Conservation – Implementation**
11. **K5 Habitat Enhancement Scheme**
12. **M01 Surface water drainage works to be agreed**
13. **M07 Evacuation management plan**
14. **M17 Efficient use of water**
15. **Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

INFORMATIVES

- 1 **N06 Listed Building Consent**
- 2 **N11C General**
3. **N11B Wildlife & Countryside Act 1981 (amended) Cons hab/spec 2010 Bats**
4. **HN16 Sky glow**
5. **N03C Adjoining Property Rights**
6. **The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bird nesting and invertebrate/pollinator/solitary bee homes to be incorporated in to the converted buildings as well as consideration for a hedgehog house within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies Initiative (DEFRA/NPPF Guidance 2013).**
7. **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.**

171864

That listed building consent is granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. D01 Time limit for commencement (Listed Building Consent)
2. With the exception of further conditions listed below, the scheme is carried out exactly in accordance with the supplied justification statement and drawings:

- A.195 13.03 P.13 A Proposed Floor Plans Annexe dated 14 August 2017
- A.195 13.03 P.21 A Proposed Floor plans – Barn 1 Dated 14 August 2017
- A.195 13.03 P.22 A Proposed GF – Barn 2 dated 14 August 2017
- A.195 13.03 P.23 Proposed floor plans annexe dated 15 May 2017
- A.195 13.03 P.31 Proposed elevations - Barn 1 dated 15 May 2017
- A.195 13.03 P.32 Proposed elevations - Barn 2 dated 15 May 2017
- A.195 13.03 P.33 Proposed side elevations Barn 2 dated 15 May 2017
- A.195 13.03 P.55 A Granary Annexe Proposed Elevations dated 14 August

The scheme is carried out exactly in accordance with the drawing A.195 13.03 P.13 except for items labelled 5 'Hereford Stone paving slabs'. This material should not be used within the courtyard as shown here on the south elevation of the annexe and west elevation of barn 1. It may be used on the rear north elevation of the annexe and east elevation of barn 1.

3. No development approved by this permission shall commence until a Level 1 Survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the floors of Barn 1 has been submitted to and approved in writing by the Local Planning Authority.
4. Prior to first occupation of any of the new dwellings the completion/installation certificate for a relevant Package Treatment Plant with additional +P phosphate stripping system Certificated to a Phosphate (P) outfall level less than 1mg/litre; along with a signed copy of a 5 year maintenance agreement for the installed PTP with +P system shall be supplied to the Planning Authority for approval.

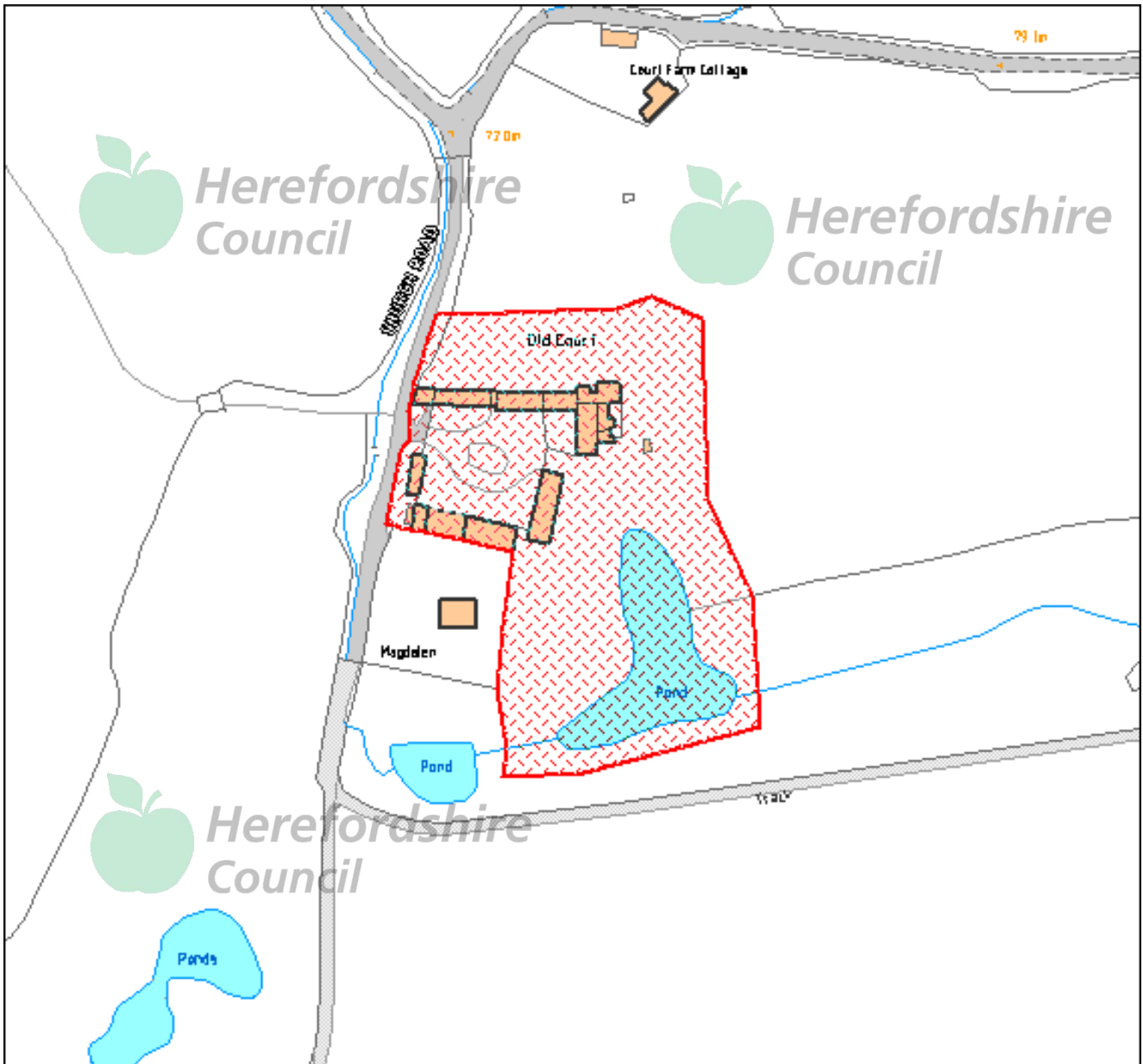
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Hazel Nash on 01432 261903



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APPLICATION NO: 171863

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Further information on the subject of this report is available from Hazel Nash on 01432 261903

| | |
|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 15 November 2017 |
| TITLE OF REPORT: | 171897 - TO ERECT SIGNAGE TO THE EXTERNAL FACADE ON THE EAST SIDE OF THE BUILDING AND ON THE CHIMNEY BREAST AT THE MASTERS HOUSE ST KATHERINES, BYE STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA For: Mr P Huggett, Herefordshire Council, Plough Lane Offices, Plough Lane, Hereford HR4 0LE |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171897&search=171897 |
| Reason Application submitted to Committee – Council interest | |

Date Received: 25 May 2017

Ward: Ledbury North

Grid Ref: 371033,237650

Expiry Date: 31 October 2017

Local Member: Councillor EPJ Harvey

1. Site Description and Proposal

- 1.1 The Master's House is a multi-phase 15th century Grade II* listed building located adjacent to St Katherine's car park, to the south west of the High Street in Ledbury. The building is within Ledbury Conservation Area. The building is used for both the Ledbury Library and also Council offices. The building has been undergoing recent refurbishment and improvements.
- 1.2 The building is significant historically for the way in which the successive layers of history explain its biography and architecturally as a rich example of a medieval hall house associated with a key figure in Ledbury's History. It has strong associative value to the people of Ledbury and as a Grade II* listed building is of national significance.
- 1.3 The proposal seeks listed building consent for the erection of signage, 'The Master's House' on the northern elevation and 'the Master's House – Library. Culture. Community' on the chimney breast on the eastern elevation. The colour of the signs will be Anthracite Cool Grey. The letters will be individually fixed onto the elevation within the mortar joints of the brick work to avoid damage. The dimensions of the signs will be some 1.15 metres tall by some 1.85 metres wide.

2. Policies

2.1 Herefordshire Local Plan Core Strategy 2011-2031:-

| | | |
|-----|---|---|
| SS6 | – | Environmental Quality and Local Distinctiveness |
| LD1 | – | Landscape and townscape |
| LD4 | – | Historic Environment and heritage assets |

Further information on the subject of this report is available from Mrs G Webster on 01432 260139

SD1 – Sustainable Design and Energy Efficiency

2.2 NPPF

Chapter 12 – Conserving and enhancing the Historic Environment is of particular relevance to this application, particularly in the context that CS Policy LD4 does not describe the approach to decision-making in the event that harm to significance is evidenced.

2.3 Neighbourhood Plans

There is currently no Neighbourhood Development Plan for Ledbury.

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

- 3.1 P170908/L – Proposal to erect signage to the external façade of the building – withdrawn
- 3.2 P150041/F – Alterations to landscape surrounding The Master's House (part retrospective) – approved
- 3.3 N123081/F & N123080/L – Extensive repair and renovation – Approved with conditions
- 3.4 N112303/L – External repairs to brickwork, sash windows and roof to bay window, replacement windows cills, door and flue – Approved with conditions
- 3.5 N101724/L & N100903/CD – Remove and rebuild boundary wall – Approved with conditions
- 3.6 NE2009/0932/L – re instatement of historic panel room, removal of plasterboard and timber stud partitioning – Approved with conditions
- 3.7 NE2008/0689/L – proposed sliding doors to inner entrance lobby and widening of corridor door – Approved with conditions
- 3.8 NE2007/3601/L – Internal alterations – Approved with conditions
- 3.9 NE2006/3306/L – Removal and erection of stud partitions, repair and re-glazing of windows. Redecoration – Approved with conditions

4. Consultation Summary

Statutory Consultations

4.1 Historic England

No objection

4.2 Internal Council Consultations

Historic Buildings Officer

The revised details and signage proposals respond to the concerns previously raised about the appearance and fixings of the signage. As the tuck pointed brickwork in one location is

new and the other location would originally have likely been rendered or lime - washed individual fixings into mortar joints would be a discrete and reversible solution. As such the proposals accord with policies within the CS and NPPF and we would withdraw our objection to the proposals.

5. Representations

5.1 Ledbury Town Council

Support. However members did not support the incorporation of the black line "Library, Culture, Community". They felt it was unnecessary and detracts from the Listed Building.

5.2 Ledbury & District Civic Society

It is in every way unworthy of this fine building and we cannot understand why, if extra signage is required for The Master's House, the architects for the building Gary Butler Partnership, have not been asked to prepare an appropriate scheme. This proposal looks like a pub sign.

5.3 Six letters of support were received, the comments included:

- A clear visible sign is needed
- Will avoid the clutter of more free-standing signs in the town centre
- The sign is a good example of a sign to identify the building
- Visitors will be able to identify the building

One letter of objection was received with the following points:

- Proposal is dreadful
- Looks like a pub sign

5.4 The consultation responses 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

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

Impact upon Grade II* Listed Building

6.1 Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990 details: -

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.2 These provisions can be taken as the Council's "heritage duties." This means that the Local Authority have a duty to have special regard when exercising its functions to the preservation of Listed Buildings and its setting.

6.3 Herefordshire Core Strategy Policy LD4 states that '*Proposals should protect, conserve and where possible enhance, heritage assets and their setting in a manner appropriate to their significance. Where opportunities exist, contribute to the character and local distinctiveness of*

Further information on the subject of this report is available from Mrs G Webster on 01432 260139

the townscape, especially within conservation areas.” However Policy LD4 does not have a mechanism for decision-making where harm to the significance of a heritage asset is identified, and recourse must be made to the National Planning Policy Framework.

- 6.4 NPPF paragraph 132 states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, notably... grade I and II* listed buildings, should be wholly exceptional.”*
- 6.5 Paragraph 133 confirms that substantial harm to significance should not be permitted unless circumstances are wholly exceptional, whilst less than substantial harm (paragraph 134), should be weighed in an unweighted planning balance.
- 6.6 Original plans were submitted which showed the letters fixed to a horizontal bar, with the horizontal bar in turn affixed directly to the fabric of the building. Following concerns raised by the Historic Buildings Officer, the plans were amended and submitted to the Council on 27th July 2017. These detailed the affixation of each individual letter within the mortar of the brickwork, thus reduced the visual ‘shadow’ of a bar behind the lettering, and making the wording clearer.
- 6.7 The amended signage is thus by comparison simple and clearer; particularly to visitors to the area who may not be familiar with Ledbury. Taken together they provide identity to the building without the additional clutter of street ‘A boards’ around the building. At 4.2 above the Conservation Manager records no objection to the amended proposal and is content that the signage will not have an adverse impact on the building’s significance. The lack of impact on truly historic fabric and the reversibility of the work are also noted. Accordingly the requirements of LD4 and the NPPF are met and the Council’s heritage duties discharged.

Conclusion

- 6.8 Taken as a whole the proposal is not considered to lead to harm to the significance of the listed building. In the event that less than substantial harm is identified, the benefit of such a scheme outweighs any less than substantial harm such that Listed Building Consent should not be withheld. The proposal satisfies the requirements set out in Core Strategy Policies LD1, LD4 and SD1. Accordingly, the proposal is recommended for approval with conditions.

RECOMMENDATION

That Listed Building Consent be granted subject to the following conditions and any other conditions considered necessary by officers names in the scheme of delegation to officers:

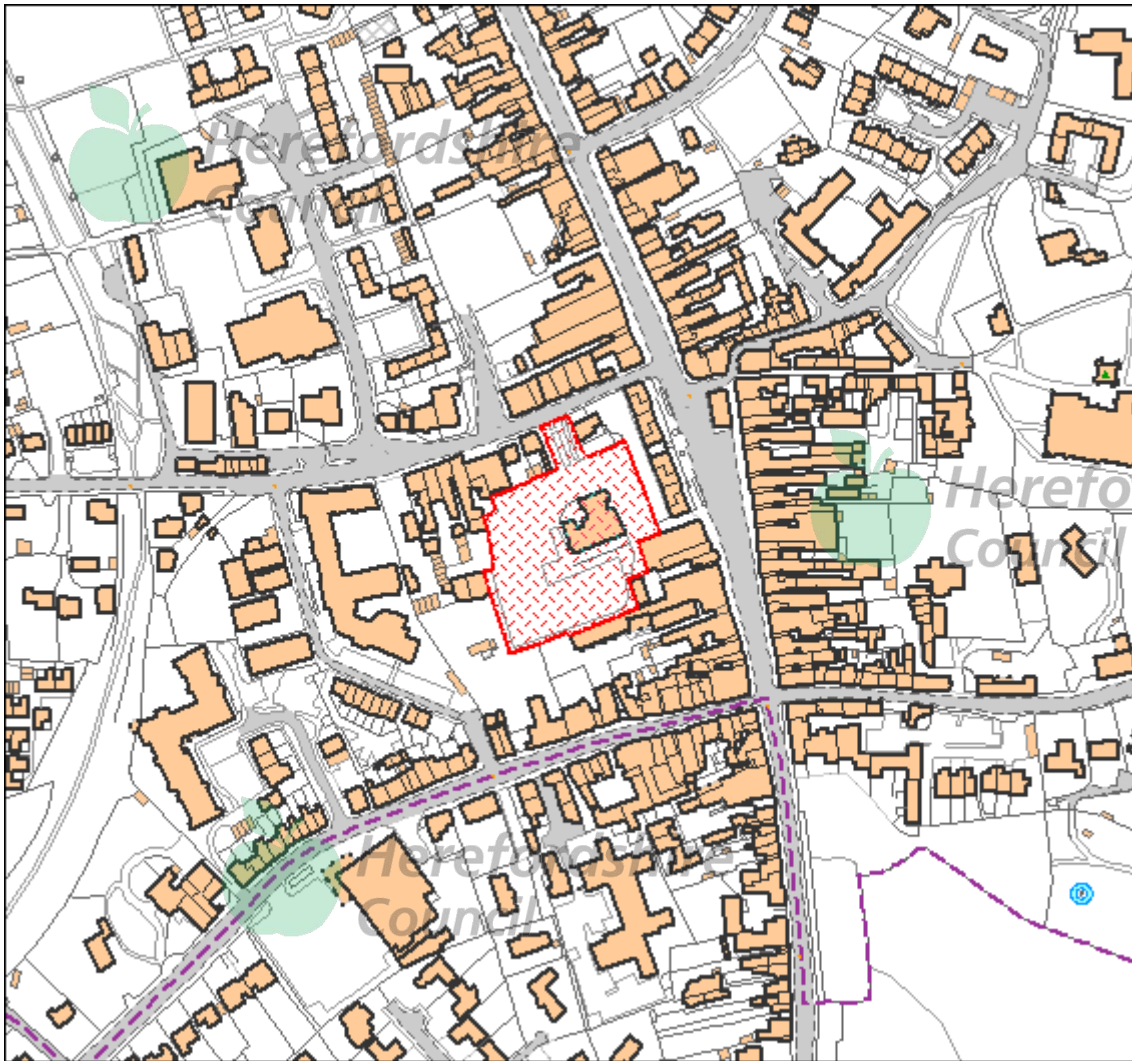
- 1. **D01 Time limit for commencement (Listed Building Consent)**
- 2. **B01 Development in accordance with the approved plans**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171897

SITE ADDRESS : THE MASTERS HOUSE ST KATHERINES, BYE STREET, LEDBURY,
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