

Agenda

Planning and regulatory committee

Date: **Wednesday 27 June 2018**

Time: **10.00 am**

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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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson	Councillor PGH Cutter
Vice-Chairperson	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 MD Lloyd-Hayes
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor SD Williams

Agenda

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GUIDE TO THE COMMITTEE		
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the minutes of the meeting held on 11 April 2018 and 15 May 2018.	9 - 46
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	180603 - LAND WEST OF ST JOHN THE BAPTISTS CHURCH AND WEST AND SOUTH OF CHURCH HOUSE, ASTON INGHAM, ROSS-ON-WYE. Full planning application for a pair of semi detached two storey three bed dwellings, associated infrastructure and landscaping.	47 - 72
7.	180256 - PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN Proposed camp site and temporary dwelling. This is an amended application that is a resubmission of application no. 172848 refused 6 October 2017.	73 - 90
8.	173699 - LAND AT WOONTON, ALMELEY. Proposed residential development of 5 dwellings, including the formation of a vehicular access, provision of an orchard and coppice strips, foul drainage treatment plants and other associated works.	91 - 118
9.	181353 - THE OLD CHAPEL, TILLINGTON, HEREFORD, HR4 8LW Proposed link single storey extension to the dwelling and detached single storey garage and store.	119 - 124
10.	DATE OF NEXT MEETING Date of next site inspection – 17 July 2018 Date of next meeting – 18 July 2018 (tbc)	

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- 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.
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- 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).
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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.

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 MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

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

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

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 11 April 2018 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JLV Kenyon, FM Norman, A Seldon and SD Williams

In attendance: Councillors WLS Bowen and DG Harlow

162. APOLOGIES FOR ABSENCE

Apologies were received from Councillors TM James and AJW Powers.

163. NAMED SUBSTITUTES

None.

164. DECLARATIONS OF INTEREST

Agenda item 8: 180557 – Wynyats, Chase Road, Ross-on Wye

Councillors PGH Cutter and J Hardwick declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

165. MINUTES

RESOLVED: That the Minutes of the meetings held on 14 March 2018 be approved as a correct record and signed by the Chairman.

166. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Williams to the Committee, replacing Councillor Swinglehurst.

He also congratulated Mr K Bishop, Development Manager, on reaching 40 years service to Herefordshire and thanked him for his contribution.

167. 173224 - LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE

(Proposed erection of eight residential dwellings (C3) along with associated garages, parking, roads, highways access and associated infrastructure.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Hooper, of Garway Parish Council spoke in opposition to the Scheme. Mr L Watson, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor DG Harlow spoke on the application.

He made the following principal comments:

- The application had attracted a high level of public comment. Some 25% of local residents had objected to the proposal, as had the Parish Council.
- The Parish Council was developing a neighbourhood development plan. Approval of the application would undermine confidence in that process.
- The applicant had sought pre-application advice from the Council and had modified the proposal to seek to make it more palatable, however, it was still not acceptable to the local community.
- The size and scale of the development was inappropriate.
- The location was a concern. Access was off a single track unclassified road that struggled to cope with existing levels of traffic. The school was some 800m away with no access path meaning that children would be driven there.
- It was questioned whether the development was sustainable with drainage being one concern.
- The need for additional homes to support the sustainability of the village was recognised. However, it was considered that the proposed location was not suitable.

In the Committee's discussion of the application the following principal points were made:

- In reply to questions the Lead Development Manager confirmed that the housing land supply was at 4.54 years. The Core Strategy required a minimum of 25 dwellings to be delivered at Garway. Eight dwellings had been committed leaving a minimum of a further 17 dwellings to be developed.

He also clarified the relationship between condition 16 and informative 2 as set out in the report, confirming that full details of the proposed drainage scheme would have to be submitted and approved prior to the commencement of any development.

- In response to concern about the width of the access road, the additional traffic that would be generated, and potential conflict with agricultural vehicles, the Transportation Manager commented that the accesses to the development would be of a standard road construction enabling them to be classed as passing places. Notwithstanding the narrowness of the road, the additional traffic that the development would be expected to generate would not be classed as an intensification of use.
- In the absence of a neighbourhood development plan weight had to be given to the lack of a five year housing land supply. The Core Strategy provided for development in Garway.
- The site was close to the rest of the village. The design of the development was in keeping with existing dwellings in Garway. The site layout was acceptable and the provision of semi-detached dwellings was a welcome aspect.
- There were two accesses lessening the impact on the road network.
- The potential impact of traffic driving on the common to allow vehicles to pass was a matter of concern
- Several members remarked on the extent of local opposition to the proposal and that this should carry weight. However, other members, whilst sympathetic to the local views, considered that it was difficult to identify planning grounds for refusing the application.

- The Lead Development Manager commented that weight could not be given to the neighbourhood development plan which had not yet reached regulation 14 stage. However, weight did have to be given to the lack of a five year housing land supply. The development was of low density, which would assist in providing a suitable drainage solution, was well designed and represented proportionate organic growth in keeping with the linear character of development in Garway. It would generate a low amount of traffic.

The local ward member was given the opportunity to close the debate. He commented that he considered that both sides of the argument had been debated.

Councillor Edwards proposed and Councillor Guthrie seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 3 against and no abstentions.

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

1. **A01 - Time Limit for Commencement (Full Permission)**
2. **B01 - Development in Accordance with the Approved Plans**
3. **C01 - Samples of External Materials**
4. **D05 - Details of External Joinery Finishes**
5. **G04 - Protection of Trees/Hedgerows that are to be Retained**
6. **G10 - Landscaping Scheme**
7. **G11 - Landscaping Scheme - Implementation**
8. **H03 - Visibility Splays**
9. **H06 - Vehicular Access Construction**
10. **H09 – Driveway gradient**
10. **H13 - Access, Turning Area and Parking**
11. **H17 – Junction improvement/off site works**
12. **H21 – Wheel washing**
13. **H27 – Parking for site operatives**
14. **H29 - Secure Covered Cycle Parking Provision**
15. **I16 - Restriction of Hours During Construction**
16. **I18 - Scheme of Foul Drainage Disposal**
17. **M17 - Water Efficiency – Residential**
18. **The recommendations for species and habitat enhancements set out in the ecologist's reports from Swift Ecology dated April 2017 and August 2017 should be followed unless otherwise agreed in writing by the local planning**

authority. A working method statement for protected species should be submitted to the local planning authority in writing and, together with the provisions of the biodiversity enhancement plan, the scheme shall be carried out 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.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. In relation to Condition 16, above the following information has been provided:**
 - A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
 - Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
 - Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
 - Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;**

- **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

3. **HN01 - Mud on highway**
4. **HN04 - Private apparatus within highway**
5. **HN05 - Works within the highway**
6. **HN10 - No drainage to discharge to highway**
7. **HN24 - Drainage other than via highway system**
8. **HN28 - Highways Design Guide and Specification**
9. **N11C – General**

(The meeting adjourned between 10.55 to 11.05 am)

168. 180077 - 1 HIGHFIELD CLOSE, KINGSLAND, HEREFORDSHIRE

(Proposed demolition of existing dwelling and erection of a replacement dwelling.)

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs C Sawyers of Kingsland Parish Council spoke in opposition to the Scheme. Mr J Hicks, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor WLS Bowen, spoke on the application.

He made the following principal comments:

- Highfield Close was of a consistent and harmonious design with which the proposal would be at odds.
- It seemed a shame to demolish a satisfactory dwelling. The demolition work would create noise and disruption.
- The principle of development on the site was clearly established by the presence of the existing bungalow. It was acknowledged that the design of the proposed house had regard to environmental considerations. However, there was concern about the modern and startling nature of the design and the colours. The design included aluminium and wooden windows and a metal roof.
- The proposal did not reflect the main buildings in the conservation area and did not preserve or enhance that area. The application should be refused.

In the Committee's discussion of the application the following principal points were made:

- Several members expressed the view that the design was incongruous and there was concern too about the scale and mass of the development which was out of character in that location in a prominent position on the corner. It did not preserve and enhance the conservation area.
- Some other members considered the proposal did have merit and noted the comments of the Building Conservation Officer who had no objection.

The Lead Development Manager commented that a number of other schemes of modern design in established settings had been approved. Officers considered the proposal was satisfactory. He highlighted the comments of the Building Conservation Officer at paragraph 4.3 of the report that the proposal would be more sensitive to the elements that enhance the conservation area than the dwelling it was proposed to replace and cautioned against refusing the application.

The local ward member was given the opportunity to close the debate. He reiterated that the design was incongruous and inappropriate in that location.

A motion proposed by Councillor Seldon and seconded by Councillor Williams that the application be refused was lost on the Chairman's casting vote there having been 5 votes in favour, 5 against and 2 abstentions.

Councillor Cutter proposed and Councillor Guthrie seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 5 votes in favour, 4 against and 3 abstentions.

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

1. **A01 - Time Limit for Commencement (Full Permission)**
2. **B02 - Development in Accordance with Approved Plans and Materials**
3. **I16 - Restriction of Hours during Construction**
4. **F08 - No Conversion of Garage to Habitable Accommodation**
5. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6. **The ecological recommendations and Biodiversity Enhancements in the Bat and Bird Nesting Assessment by Star Ecology dated May 2017 and the retained tree and hedgerow protection identified on supplied plans 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.

7. **No further development is permitted to the west of the property (i.e. adjacent to High Field).**

Reason: Further development would have an adverse effect on the amenity of neighbouring properties due to overlooking and overshadowing.

- 8 **F14 – Removal of permitted development rights.**

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.**

(Councillor J Hardwick, Vice-Chairman, in the chair.)

169. 180557 - WYNYATS, CHASE ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JH

(Demolition of existing shed & kitchen area. New single storey kitchen and dining area. New stair access and bedroom/en suite formed in roof space.)

(Councillor Cutter fulfilled the role of local ward member and accordingly had no vote on this application.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Cutter, spoke on the application. He indicated his support for the case officer's recommendation.

Councillor Greenow proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, none against and no abstentions.

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

1. **A01 – Time Limit for Commencement**
2. **B02 – Development in Accordance with Approved Plans and Materials**
3. **C04 – Matching Brickwork**
4. **D09 – Details of Rooflights**

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.**

170. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 11.47 am

CHAIRMAN

Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Tuesday 15 May 2018 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, PJ Edwards, KS Guthrie, EL Holton, FM Norman, AJW Powers, A Seldon and NE Shaw

In attendance: Councillors E Chowns, CA Gandy and DG Harlow

171. APOLOGIES FOR ABSENCE

(Subsequent to the publication of the agenda papers Councillor MD Lloyd-Hayes had replaced Councillor JLV Kenyon as a member of the Committee.)

Apologies were received from Councillors CR Butler, DW Greenow, MD Lloyd-Hayes and SD Williams.

172. NAMED SUBSTITUTES

Councillor NE Shaw substituted for Councillor CR Butler.

173. DECLARATIONS OF INTEREST

Agenda item 8: 172345 and 173946 – Malvern View Country Estate, Woodend Lane, Stanford Bishop.

Councillor A Seldon declared a non-pecuniary interest as he had been a member of Bromyard and Winslow Town Council and Bromyard District Chamber of Commerce and Industry at the time when the application had been initiated.

174. MINUTES

The minutes of the meeting held on 11 April 2018 were not available for consideration.

175. CHAIRMAN'S ANNOUNCEMENTS

None.

176. 174528 - ST JAMES'S CHURCH CASTLE STREET WIGMORE LEOMINSTER HEREFORDSHIRE HR6 9UD

(Proposed single storey extensions to north chapel and to north side of tower to replace existing plant room, disabled drop-off parking bay and lift enclosure on north-west side of church and glazing of south porch to create draught lobby. Interior alterations to create multi-use venue. Change of use from d1 class only to D1, A3 and D2 uses.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr V Harnett, of Wigmore Group Parish Council spoke in opposition to the scheme. Fran Rhodes, Director, (Wigmore Centre Community Interest Company) spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor CA Gandy, spoke on the application.

She made the following principal comments:

- She outlined the Church's distinguished history. However, the building was now reduced to hosting 4 services a year, weddings and funerals. It had no basic facilities. If it was not to close and become a ruin, innovative plans such as those being proposed were its only hope of salvation.
- The proposal would benefit the community and safeguard the building. It would also attract tourists to Wigmore and neighbouring parishes. Similar projects elsewhere in the country had proved successful.
- The church's central location, however, presented a challenge. It did not have any parking and there were significant parking and traffic issues as outlined in the report to the Committee. The proposal relied on the school and businesses to provide parking spaces and volunteers would be needed to marshal events to ensure safe crossing of the A4110, pedestrian safety generally, and prevent people trying to park at the church. The Committee needed to consider if the parking issues had been sufficiently addressed.
- Refusal would result in further deterioration of the church and lead to it eventually becoming a ruin.

In the Committee's discussion of the application considerable interest in, and support for, the aspiration of the proposal was expressed, noting also that it had attracted grant funding. However, there was serious concern about the lack of parking, safety of pedestrians and the potentially adverse impact on the community. No satisfactory solution had been found to address this concern.

The Transportation Manager commented that improvements could be made. However, this would require a package of measures. The parking issue would need to be solved and finance identified for such measures. There were no current proposals.

It was also observed that there were objections from a range of national heritage bodies and the Parish Council to which weight had to be given.

The local ward member was given the opportunity to close the debate. She commented that she was keen to safeguard the church but parking issues needed to be addressed and there were differing views on the proposal within the local community.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 1 against and no abstentions.

RESOLVED: That planning permission be refused for the following reason:

The application promotes the change of use and extension of an existing Grade I listed place of worship to create a multi-use venue allowing for continuation of the existing lawful use, along with A3 and D2 uses. The potential impacts of the

development upon the safe operation of the public highway network have been identified, but the suggested mitigation measures have not been subject to a road safety audit and the local planning authority is unable to form an objective assessment as to their acceptability or effectiveness in mitigating these impacts.

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

(The meeting adjourned between 10:55 am and 11:03 am)

177. 173385 - LAND AT NEWCASTLE FARM ORCOP HEREFORDSHIRE HR2 8SF

(Proposed residential development of 3 dwellings.)

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Jane Rigler of Orcop Parish Council spoke in opposition to the scheme. Ms S Murphy, a local resident, spoke in objection. Mrs C Rawlings, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor DG Harlow, spoke on the application.

He made the following principal comments:

- There was a current odour problem at Orcop Hill as a result of sewage and the Environmental Health Team was investigating. There had been numerous complaints over recent years about sewage running into a well and then into the wider water course.
- The Council's Sustainable Drainage Systems (SUDS) handbook published in April 2018 stated at paragraph 7.4 that cess pits were not permitted for new developments. Advice had been provided by the Planning Department on 8 May that the guidance in the handbook was not consistent with the adopted policy position that enabled cess pits to be considered in exceptional circumstances. Officers had acknowledged that there was a mismatch that did not reflect well on the Council. This undermined confidence in the assessment of the application for a new development with three new cess pits on a greenfield site close to the village and had generated considerable local concern.
- There had also been two opposing drainage reports from Balfour Beatty. One on 12 March had objected to the use of cess pits. The other on 2 May approved their use.
- There was a high water table and cess pits could fail. Paragraph 6.40 of the report suggested that the risk of a cess pit overflowing was the same as a septic tank and package treatment plants. However, the failure of the proposed cess pits would result in raw sewage flowing downhill contaminating land near existing houses.

- The report referred to the concerns about unwanted smells and odours. One of the three cess pits would have to be emptied at least every other week presenting a risk of such smells and odours.
- The site was directly above the property called Homelea, sloping towards that cottage and the village. Insufficient consideration had been given to surface water drainage and the risk of foul water run off to lower lying properties. It was considered that policy SD4 had not been followed in that at no stage had alternative sustainable foul water treatment options been suggested, in particular there was no indication that the use of reed beds had been considered.
- The assessment of traffic movements was contentious. The indications were that a 13,500 litre tanker would be the largest that could be used in the site's location. Calculations in the application had been based on the use of 45,000 litre tankers. Clearly this implied significantly more vehicle movements would take place than the 24 per year originally stated and the applicant had indicated in the update to the committee that this could be up to 68 visits per year for the site. Objectors considered these figures remained an underestimate and there would in fact be 144 visits. The Transportation Manager had based his assessment on 24 trips and this suggested the need for a reassessment.
- The proposal was contrary to policy LD4. The development was not sustainable entailing up to 240 tanker trips accessing the properties annually.
- The Ministry of Housing Communities and Local Government guidance on water supply, waste water and water quality stated that for proposals for package sewage treatment plants that there was a need to consider the effects on amenity because of the need for sludge removal by tankers.
It should be noted that such plants were required to be emptied only once per year.
- Account did not seem to have been taken of the cost that residents of the new dwellings would incur in emptying the cess pits.
- The proposal, taking account of land locking, would entail the loss of 1 hectare of agricultural land to provide 3 executive homes. This seemed an unsatisfactory exchange.
- The proposal was contrary to policy SD1 which referred to safeguarding residential amenity and ensuring that new development did not contribute to or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution. The application should be rejected because it relied on the use of cess pits, the problems it would cause to the highway network and the additional impact on surface water drainage.

In the Committee's discussion of the application the following principal points were made:

- Considerable concern was expressed about the proposed use of cess pits, noting that the site was on a hill and there would be severe consequences for dwellings in the vicinity if the cess pits failed. It was unclear how it could be guaranteed that the cess pits would be maintained and managed appropriately. Enforcement action could be problematic. It was questioned whether the circumstances were exceptional and suggested that the proposal was therefore contrary to policy LD4.
- The proposal might not be acceptable as it stood, but the site seemed reasonable and the Parish did need to identify housing sites.
- There still seemed to be uncertainty over the number of tanker movements. Such tankers emitted smells and fumes. Both this and the smell generated by the frequent emptying of the cess pits would have an adverse effect on air quality and the amenity of residents. The proposal was therefore contrary to policy SD1.

- The Principal Planning Officer commented that the Neighbourhood Development Plan was not at Regulation 14 stage and sites for housing had not yet been identified. A minimum of 20 houses was required. Six units had been committed but none had yet been built.
- The suggestion in paragraph 122 of the NPPF that it should be assumed that pollution control regimes would operate effectively had not been found locally to instil confidence.
- The Development Manager commented in relation to the discrepancy between the SUDS handbook and the Core Strategy that weight had to be given to policy SD4. This did permit the use of cess pits in exceptional circumstances. The Committee could form a view on whether the circumstances in this case were indeed exceptional.

With reference to the appeal decision referenced at paragraph 3.3 of the report, on a site to the east of the proposal before the Committee, he stated that it was difficult to make comparisons between the two sites. No precedent had been set by the appeal decision.

- The PPO commented that the agent had suggested that the management of the proposed orchard and all hard surfacing and access roads would be in the joint ownership of the residents of the site. Maintenance and management would be conditioned and subject to enforcement.

The applicant had not proposed reed beds or a wetland solution. The PPO considered that those options, which had their own inherent disadvantages as well as advantages, were not appropriate solutions in that environment given the close proximity to other residential dwellings.

The local ward member was given the opportunity to close the debate. He commented that work was proceeding on the NDP. He agreed that enforcement action could be problematic. There were not exceptional circumstances that provided grounds for the use of cess pits. He also expressed reservations about the submission of late information to the Committee and the pressure this generated on local residents amongst others.

Councillor Baker proposed and Councillor Holton seconded a motion that the application be refused on the grounds that it was contrary to policies SD1, SD4, SS4 and SS6. The motion was carried with 9 votes in favour, none against and 1 abstention.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies SD1, SD4, SS4 and SS6 and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons.

(The meeting adjourned between 12:17 – 12:25 pm)

178. 172345 AND 173946 - MALVERN VIEW COUNTRY ESTATE WOODEND LANE STANFORD BISHOP WORCESTER

(172345 - change of use of land for the siting of up to 95 no. Caravans, and a change of use, and comprehensive redevelopment of the existing farmyard buildings and associated agricultural barns to provide additional facilities including indoor pool, gymnasium, spa, owners lounge, office area, play barn, children's entertainment area; and,

173946 - re-development of the existing farmyard buildings and associated agricultural barns to provide additional facilities including indoor pool, gymnasium, spa, owners lounge, office area, play barn, children's entertainment area and petting farm.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He confirmed that there were two applications before the Committee, one for planning permission and one for listed building consent.

He added that a response had been received from Natural England too late for inclusion in the Committee update. Accordingly it was now being recommended that officers be given delegated authority to grant planning permission for application 172345 subject to being able to resolve any material issues raised in Natural England's response satisfactorily.

In accordance with the criteria for public speaking, Mr A Elliott, of Acton Beauchamp Group Parish Council spoke in opposition to the scheme. Mr M Venables, a local resident, spoke in objection. Mr W Sockett, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor EE Chowns, spoke on the application.

She made the following principal comments:

- There had been 47 letters of objection; the Parish's population was 113. This demonstrated the strength of local feeling.
- She had thought that the dismissal of an appeal for a holiday park immediately adjacent to the site (Tom's Patch, application no 162809, as referred to at paragraph 3.12 of the report) would have led to a recommendation for refusal.
- In applying the planning balance she questioned at what point it would be considered that the site was large enough and further growth should be prohibited. The site was already the largest in the County with 323 caravans, having a history of expansion, and the proposal was to add another 95. The population of Stanford Bishop Parish was 113 and the Acton Beauchamp Group Parish Area was 342. She considered the point had been reached when further expansion should be refused.
- There was uncertainty as to the extent of the benefits it was suggested the scheme would deliver. It was stated that the application would generate 8 full time jobs. The effect on the local economy was, however, hard to quantify. The proposal seemed designed to ensure its residents did not need to interact with the local economy at all given the nature of the facilities to be provided on site and it could be argued it might therefore even have a negative impact, reducing the interaction currently undertaken by existing caravan owners as well as new owners. The site was not a locally owned business. The proposal was extractive rather than sustainable. A number of caravans were almost year round second homes placing a demand on local services but not contributing to the local economy as tourism would. It was therefore not sustainable development in accordance with policy E4.
- She asked whether site B was really different from Tom's Patch in landscape impact terms. The Committee had refused the Tom's Patch application and an appeal had been dismissed. She highlighted paragraphs 12, 15, 17, 19 and 20 of the appeal decision, a copy of which had been circulated with the committee update, and the Inspector's conclusion that the adverse visual impact of the proposal outweighed the benefits.
- She considered that site B was more visible than the Tom's Patch area from most of the road.

- She did not accept the view in the report that the proposal was essentially filling in a gap, in the words of the report, compared with Tom's Patch. She considered the gap had merit and should be retained.
- The proposed mitigation would take many years to become established and would only be effective in summer.
- There was concern about visual glare from higher viewpoints.
- The points raised by Natural England on foul drainage in its late submission also needed to be addressed.
- In summary, the caravan park was already too large; the economic benefits were mixed and could not be counted as diversifying the rural economy and creating sustainable tourism; and the landscape points upheld in the decision on the appeal on the Tom's Patch site were directly applicable to the proposal before the Committee and it would be inconsistent to approve the application.

In the Committee's discussion of the application the following principal points were made:

- Whilst the inspector had judged in relation to the appeal on Tom's Patch that that application, for 40 caravans, would not harm highway safety, the application before the Committee was for 95 caravans. This must give stronger ground for highway safety concerns.
- The effect on the grade 2 listed buildings was of concern.
- It was unclear why site B would have a less adverse visual impact than the adjacent Tom's Patch site, in fact it appeared more visible. It was therefore questioned why the application was before the Committee and recommended for approval in light of the Inspector's conclusion. Reference was made to Paragraph 34 of the appeal decision letter.
- The scale of mitigation proposed was indicative of the scale of harm that a site in that location would have. The Inspector's criticisms at the Tom's Patch appeal did not seem to be addressed in the officer assessment of the Malvern View application. The application was contrary to policy LD1 which required the conservation and enhancement of the natural scenic beauty of important landscapes.
- The scale of development was contrary to policy RA 6 in that it was not commensurate with the location and setting.
- The current site was well managed and screened. Site A would not have a visual impact. Site B would be visible from the road but the colour of the facing on the caravans would be designed to make them blend in to the setting.
- In terms of economic benefit it was asserted that the three caravan sites in the locality provided considerable economic benefit to the town of Bromyard. The proposal was an extension of an existing caravan park and the harm to the landscape would not outweigh the economic benefit.
- Bromyard District Chamber of Commerce's support for the application set out at paragraph 5.6 of the report was highlighted.
- A contrary view was expressed that there was not sufficient evidence of economic benefit to balance against the clear evidence of environmental harm.
- It was also suggested that, given the location, expenditure by residents of the site may well be in Worcestershire rather than Herefordshire
- The Campaign to Protect Rural England was opposed to the development as set out in its response at paragraph 5.4 of the report describing it as urbanisation.

- A number of Bromyard residents had settled in the area having first visited the as tourists staying at the caravan parks. These residents contributed to the community and represented a social benefit.
- It was requested that the proposed road junction improvements should be implemented prior to any development of the site.
- The Principal Planning Officer clarified that Natural England had not objected to the application but had asked for further clarification on the drainage arrangements to ensure there was no adverse effect on the Leigh Brook Valley SSSI. This was not considered to be a fundamental point leading officers to oppose the application. It could be addressed through the submission of further information.

The local ward member was given the opportunity to close the debate. She reiterated her grounds for opposition to the proposal.

Councillor Holton proposed and Councillor Shaw seconded a motion that application 172345 be refused on the grounds that it was contrary to policies LD1, RA4, RA6, E4, SS1 and SS6 with the economic benefit of the proposal being outweighed by the environmental impact. The motion was lost on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions.

Councillor Cutter proposed and Councillor Baker seconded a motion on application 172345 that officers be authorised to grant planning permission in accordance with the printed recommendation, following further consultation with Natural England, and being satisfied as to the outcome of that consultation, following consultation with the Chairman and local ward member. The motion was carried on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions.

Councillor Holton proposed and Councillor Shaw seconded a motion that application 173946 for listed building consent be refused on the grounds that it was contrary to policies LD4 and RA 6. The motion was lost on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions.

Councillor Cutter proposed and Councillor Baker seconded a motion that application 173946 for listed building consent be approved in accordance with the printed recommendation. The motion was carried on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions

Application 172345

RESOLVED: That officers be authorised to grant planning permission following further consultation with Natural England, and being satisfied as to the outcome of that consultation, following consultation with the Chairman and local ward member, subject to the following conditions and any other further conditions considered necessary by officers named in the Scheme of Delegation to officers:

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

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

4. **No external surface of any static caravan hereby approved shall be of a colour other than one which has previously been approved in writing by the local planning authority for that purpose.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 –

2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

13. With the exception of any site clearance and groundwork, no further development shall take place until the following details have been submitted:

- **A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
- **Further detail for the north-east parcel to demonstrate how the combined runoff from this area will not increase flood risk during smaller rainfall events;**
- **Results of infiltration testing undertaken in accordance with BRE365 guidance;**
- **Drawings showing cross sections through the proposed attenuation basins and swales, demonstrating appropriate freeboard and overflow provision in the event of exceedance or blockage;**
- **Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels;**
- **Details of the proposed outfalls to the watercourses.**

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

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

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

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

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

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

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN07 Section 278 Agreement**
3. **HN10 No drainage to discharge to highway**
4. **HN04 Private apparatus within highway**
5. **HN01 Mud on highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN05 Works within the highway**
8. **HN22 Works adjoining highway**

Application 173946

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

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

179. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.40 pm

Chairman

PLANNING COMMITTEE

Date: 15.5.2018

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

174528 - PROPOSED SINGLE STOREY EXTENSIONS TO NORTH CHAPEL AND TO NORTH SIDE OF TOWER TO REPLACE EXISTING PLANT ROOM, DISABLED DROP-OFF PARKING BAY AND LIFT ENCLOSURE ON NORTH-WEST SIDE OF CHURCH AND GLAZING OF SOUTH PORCH TO CREATE DRAUGHT LOBBY. INTERIOR ALTERATIONS TO CREATE MULTI-USE VENUE. CHANGE OF USE FROM D1 CLASS ONLY TO D1, A3 AND D2 USES AT ST JAMESS CHURCH, CASTLE STREET, WIGMORE, LEOMINSTER, HR6 9UD

For: Mr Casbourne per Mr Matthew Hollingsworth, 4 Haycroft Road, Sherborne, Cheltenham, GL54 3DY

ADDITIONAL REPRESENTATIONS

Historic England have made the following comments in response to the planning committee report:

Many thanks for the link to the committee report. I think your interpretation of Historic England's comments is fair. Our first advice letter refers to para 134 relating to less than substantial harm rather than 133 relating to substantial harm reflecting the potential we felt existed for amendments to reduce the harm. However, the applicant has chosen not to explore this potential and, having discussed the case with colleagues this morning, I think it would be fair to say that we consider the impact to be at the extreme upper limit of less than substantial and certainly not justified given that alternative less harmful design solutions are almost certainly available. Historic England would hope that if your members refuse the application in line with officer recommendation, it will become possible to achieve a design that conserves the significance of the building.

Wigmore Parish Council:

Email 4/5/2018

Last year Wigmore GPC commissioned its own arboricultural consultant, Jerry Ross, to advise on the state of the trees in Wigmore Closed Churchyard. Mr Ross was made aware of another tree report commissioned by Wigmore CIC and was concerned about their consultant's recommendation to significantly reduce the crown of the lime tree that is nearby the steps, because of significant decay. With the agreement of the parish council Mr Ross has carried out a second inspection and detailed Picus investigation which confirms his initial findings that the tree has decay that would be expected in a 'veteran tree' of this age but that the decay does not warrant the drastic crown reduction recommended by the CIC's report. In the light of the planning application for St James Church, and the proposed upgrade to the adjacent footpath, Mr Ross is also concerned that any disturbance to the tree roots

would cause damage to tree - see 5.4 and 6.7 of his report - . Mr Ross felt that his findings should be forwarded to you for your information. I have attached Mr Ross' report for you.

Comments from Tree Officer in response to the above submission:

The recent Tree Condition Report produced by Jerry Ross Consultancy, requested by Wigmore parish presents a different perspective regarding the structural condition of the Lime trees, T2 in the original Arboricultural Impact Assessment (AIA).

The initial recommendation was to pollard/reduce the canopy by 8m on account of the hollowing of the stem and perceived risk of failure. An 8m reduction would have removed much of the weight out of the canopy but also threatened to long term health of the tree which is protected by a Tree Preservation Order and has been recorded as a veteran specimen by the ancient tree forum. Consequently it has high amenity, historical and ecological value.

Accompanying the AIA was a decay detection survey carried out using a PICUS Tomograph, which indicated that there was significant hollowing of the stem and hence the recommendation to reduce heavily. It was questioned how accurate the results of the PICUS were because the shape of the tree stem in the report did not appear to be a true representation.

The report produced by Jerry Ross, also using a PICUS Tomograph appeared to present a more accurate depiction and therefore, in my opinion the results can be better relied upon.

My original comments stated:

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

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

Recommended works in Jerry Ross Tree Condition Report.

The reduction proposed should amount to about 10% of the tree's height (i.e. approximately 2-3 metres), with a proportionate reduction of lateral branches.

This is more in tune with retaining the tree in its current form and sympathetic to a veteran tree.

A reduction of this amount is unlikely to have an impact on the tree physiologically and if carried out responsibly should not adversely alter the appearance. Importantly the reduction will go some way to mitigating the threat of failure either in the hollowed stem or branches.

Comments from Applicants in response to Tree report received from Parish Council (as above) and comments of the Tree Officer (as above) and query I respect of amended plans:

The Wigmore CIC team would have no objection to the recommendation stated on the reduction of the tree. The Churchyard and the trees are (for historic reasons) the responsibility of the Parish Council rather than the PCC/Wigmore Centre so it is expected the Parish will follow the recommendation in any case regardless of the proposal now that they have commissioned the report.

As you are aware (and have been advised) we have been simultaneously developing the scheme and negotiating with the Herefordshire DAC committee on a number of details of the scheme in preparation for a Faculty submission. At a special meeting on March 14th we sat down with the architect members of the committee following a request to submit answers to series of detailed questions and having supplied a great deal of detailed drawings for the scheme, which were circulated to the wider advisory team (including many of the advisors who are consultees for the Council) for an earlier meeting. At that meeting we were informed that the DAC advisors felt they had enough to agree to the North Plant Room extension as it stood and the Lift as new “interventions” with a contemporary purpose. They did however have objections to the North Chapel extension materiality which were debated heavily. The subsequent DAC meeting in April there was a statement issued that the North Chapel would not be accepted in its current form. Subsequently we have submitted an amended scheme with a tile roof to match the existing Chapel and Lime render walls with Corten screen doors which is what we were asked to “consider” by the DAC. Given the late stage and that we are about to go to committee I did not forward these amendments to you as we really need to understand the Committee view on the Transport issues which seem to be the main focus and the overriding viability question at present, which we need to know before the HLF meet in June to decide upon the grant in principal.

Archaeology Comments

To clarify:

- In general, I have nothing to add to the lengthy and complex ‘heritage’ correspondence that already exists in relation to this proposal (and which you have summarised ably in your report). Plainly, there are concerns.
- Were planning permission to be granted, it would be essential to impose rigorous planning conditions to ensure appropriate detailed design, and to properly record the archaeological interest of this exceptionally sensitive site. Appreciable ground disturbance and other impacts are indicated/implied by the application, and would require potentially extensive mitigation under NPPF Para 141 / Core Strategy LD4, inter alia.
- In the event of permission being granted, I would advise standard archaeological conditions E04 [acceptable foundation design], and E01 [programme of archaeological work].

Further update received from applicants' agent in respect of application to the Diocese Advisory Committee (including amended plans)

For information please see attached the latest DAC committee comments in regard the change to the North Chapel extension.

As you can see their current view is that some change to the finishes on the other extensions is required, which is not the same advice that we received on 14 March.

Email as follows:

The DAC met yesterday, 9th May, and reviewed the amended drawings 104A, 206A, 207A, 208A, 209A, 210A, and 211A.

The DAC welcomes the change in material to the proposed north chapel extension. The committee advises that the plant room / WC and NW lift shaft need to be equally recessive in respect of their form and materials.

The DAC regrets it remains unable to recommend the scheme in its current form.

NO CHANGE TO RECOMMENDATION

173385 - PROPOSED RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF

For: The Owner and/or Occupier per Mrs Claire Rawlings, 10 The Maltings, Dormington, Herefordshire HR1 4FA

ADDITIONAL REPRESENTATIONS

Further email correspondence from the two adjoining neighbours, who had both previously registered their objections for the application have been received since the publication of the report. They have raised a series of questions and issues surrounding the issue of drainage which are summarised below:

- No evidence or risk assessment has been carried out on Holmelea's garden and neighbouring land in relation to flooding/seepage.
- Concerns remain that the surface water swale design proposal will inevitably cause seepage/flooding into Holmelea's garden and neighbouring land, containing pollutants from any Cesspit spillages.
- No protection offered to the residents of Holmelea with regards to risk of flooding from surface water and no evidence of any risk assessment having

been carried out on foul and surface water drainage in relation to the vulnerability of the adjoin properties.

- The surface water maintenance conditions are not established, or enforceable, some other solutions are needed.
- Having monitored the drainage area for the last 3 months since January tests, they believe that the runoff has been intermittent and the stagnant water has now been found to have seeped into Holmelea's garden as well as the farmer's field to the south.
- Cesspool/pits are not sustainable and questioned why there is no evidence to show that Reed Beds had been considered within the hierarchical approach when clearly referred to in Core Plan Policy as a potentially sustainable form of foul water treatment.
- Case officer given no consideration to loss of amenity, pollution, and nuisance caused in general
- Questioned if the applicants drainage consultants 'Tumu Engineer' had ever visited the site to appraise for himself of Holmelea's lower ground positioning and taken into consideration it's vulnerability from flooding/seepage risks;
- Questioned if the Council has established if Tumu are accepting professional responsibility and indemnity for the indicative Design Drawing. States that design accountability should be addressed now.
- The ditch which the swale feeds into has no where to go.
- No evidence of a written explanation from the Applicant on this drainage strategy proposal and how it works, or how it should be maintained in perpetuity;
- Design accountability should be addressed. No specified maintenance requirements or precise responsibility for the shared areas within the scheme, and without clarifying there could be a risk to neighbouring properties.
- Transport/Tankering manoeuvres under assessed and impacts not addressed, with no reference or consideration given to the appeal decision at the Trees.
- Cumulative affects not considered with other recently approved dwellings in the vicinity, especially those accessed off the same highway
- Two previous planning refusals for Newcastle Field listed but not commented in relation to current proposal
- Officer not taken in to consideration the Inspectors comments from the recent Appeal Decision at The Trees on character and harm of dwelling.
- No reference in case officer comments in relation to land locking of inter joining field of over half a hectare.
- Concerns over lack of comments in relation to landscaping and whether proposed landscaping can be achieved due to swale.

- The Officer reports on building commitments as being 6, however the current number is 9.
- No evidence of a written explanation from the Applicant on this drainage strategy proposal and how it works, or how it should be maintained in perpetuity.
- Proposal is contrary to the Councils SUDs Handbook which was approved in February 2018 and states that ‘Cesspools will not be permitted on new sits’.
- Concerned that plans and information are being amended at a late stage without giving the public time to consider them.

ADDITIONAL SUPPORTING INFORMATION SUBMITTED BY THE APPLICANT

In response to concerns raised by neighbours relating to the movement of tankers on and off the site, the applicant's agent has submitted a further plan showing the tracking of a 3000 gallon tanker on to the site with the ability to turn and leave the site in forward gear. The agent's drainage consultant has advised that given the rural context of the site a 3000 gallon tanker (13,638-litre) seems most appropriate for emptying the cesspits. The frequency of emptying will be dependent on how many people are living in each dwelling. The previous stated 24 visits (45 day intervals) per year were based on 2 people living in each dwelling (8 visits per year). However, if Plots 1 & 2 had 6-people and Plot 3 had 5-people (i.e. maximum occupancy) then the tanker would be needed at intervals of 16-days. A total of 68 visits per year for the site. It is therefore expected that in actual fact the number of visits would be somewhere in the middle of these two extremes - about 50 visits per year.

In relation to the concerns raised with regards to the risk to the property to the south Holmlea, the Drainage Consultant for the applicant has confirmed that they do not consider there to be any risk and provides the following comment;

'Firstly we're restricting the discharge from each dwelling to 2l/s which is as low as we can feasibly go and this rate will only be achieved in extreme storms. Secondly we're providing a swale with check dams along its length so that discharge will be further attenuated. Although we're no longer reliant on soakaways/infiltration as in previous proposals it's likely that in the majority of storm events the water will be slowed so much by the check dams that it will be allowed to infiltrate into the ground. In extreme storms, water will cascade over the check dams and flow down the swale towards the south but the rate of flow will be so low that it poses no risk of flooding to adjacent properties. It will trickle out to the ditch and join the existing flows. Where the swale meets with the existing ditch the banks will be feathered in so that although it's near 90deg on the ground it will be a slow radius bend so as to smooth out the flow and avoid erosion.'

FURTHER COMMENTS FROM THE TRANSPORTATION MANAGER

In light of the submitted tracking plan and information, I wish to put forward the following comments,

1. There will be an increase in vehicle numbers for development; however this does not conflict with policy MT1 and would not be classed as severe reason to refuse it.
2. The issue of the use of a tanker and its movements will also provide additional movements on the lane however even at the highest capacity this will only equate to a 1 vehicle movement per week, once again this would not be classed a severe.
3. The access to the sites is to be built to HC road construction, therefore is built to be used as a passing place for the route.
4. The turning provision within the site allows for the vehicles to leave the highway and does not block the highway.

CHANGE TO RECOMMENDATION

Recommended amendments to conditions are set out below:

Amendment to condition 12

After 'drawing D01 C (outline drainage strategy)' add *unless* alternative details

Additional condition

A drainage management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of any of the dwelling hereby approved. The drainage management plan shall be carried out as approved.

Reason: To prevent pollution of the water environment and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

172345 - CHANGE OF USE OF LAND FOR THE SITING OF UP TO 95 NO. CARAVANS, AND A CHANGE OF USE, AND COMPREHENSIVE REDEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDREN'S ENTERTAINMENT AREA; AND,

173946 - RE-DEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDRENS ENTERTAINMENT AREA AND PETTING FARM AT MALVERN VIEW COUNTRY ESTATE, WOODEND LANE, STANFORD BISHOP, WORCESTER

**For: N/A per Miss Wendy Sockett, C/O Park Leisure 2000 Ltd,
1 Tudor Court, York Business Park, York, YO26 6RS**

ADDITIONAL REPRESENTATIONS

Further representations have been received from two local residents. In summary the points raised are as follows:

- Whilst the number of caravans proposed on Area B has been reduced from 68 to 41, thus reducing the overall number of additional caravans from 122 to 95 (as noted in paragraph 1.8) the total area of open pastureland that will be lost to the proposed development has NOT been commensurately reduced.

- With regard to the appeal decision at Tom's Patch the Planning Inspector considered and weighed a number of relevant factors and he was able to conclude that the negative visual impact on the Locally Designated North Herefordshire Timbered Plateau Landscape arising from the proposed development was sufficiently large, on its own, to outweigh the limited benefits arising from the development proposal, thus rendering it "not sustainable" in Framework terms.
- The Principal Planning Officer has identified all the main factors and both he and the Landscape Officer have tried to be extremely even handed in their approach, even possibly "over discounting" some of the clear arguments weighing against this development project. However I feel that the simple conclusion drawn in the Committee Report dated 4 May 2018 that there is therefore an automatic presumption in favour of Sustainable Development (NPPF paragraph 14) does not sufficiently consider the requirement for the preliminary "Framework sustainability balance".
- I would suggest that insufficient weight has been given to the cumulative impact of the proposed development (a large increase in the locally developed area). This is a negative impact on not only the nature and "grain" of the landscape when viewed from WITHIN the AONB but also on the direct cumulative impact on the views TOWARDS the AONB when viewed across the two proposed Malvern View development sites A & B, particularly from Woodend Lane and Linley Green Lane.
- In the Autumn and Winter all the indigenous mitigation screening disappears. The proposed recreation complex east/west ridge oriented zinc metal roof will be a new alien feature and will be clearly visible from higher elevations within the AONB. It will give rise to glint and glare particularly in the winter when the sun is low and during the summer from mid-afternoon onward.
- The Rock Farm Appeal Decision and general comments in the Tom's Patch Appeal Decision regarding the negative visual impact arising from so called "dense mitigation planting" (paragraphs 17 & 18) and regarding the lack of cover in Winter as a result of native deciduous mitigation planting (paragraph 12) made by Planning Inspector Tudor in the Tom's Patch Appeal Decision clearly apply in respect of this proposed development. The weight to be given to the proximity to the Bromyard Downs (Rock Farm Appeal) (3.1 kilometres) in that case is very similar to the proximity to the Suckley Hills AONB (2.1 kilometres) where the highest status of protection should apply to views both towards and from the AONB.
- The setting of the Boyce Farmhouse Grade II Listed Building has never been considered in any of the previous development proposals for the site. The standing seam grey zinc roof of the proposed new swimming pool will intrude significantly within the setting of the Listed Building when it is viewed locally from higher ground to the South on public footpaths near The Wootons, Acton Beauchamp, looking north, particularly during the Autumn and Winter months when indigenous mitigation planting will be ineffective.
- The more distant panorama including Clater Park & Gardens Grade II Listed Building on the slopes of the Bromyard Downs above the Malvern View Caravan Park will also be negatively affected when viewed from public footpaths on higher ground near The Wootons looking North across proposed development Area B (41 new caravans), which will appear prominently as a new negative feature in the foreground of the view.
- The lack of a Neighbourhood Plan should not automatically count "against" in respect of a major planning decision such as this.
- The caravan park is likely to provide for low cost second homes rather than tourist rental holiday opportunities and the visitor spend will be commensurately lower. I would concur with the Principal Planning Officer's observation and this does not sit well with the Herefordshire Core Strategy Policy E4 – Tourism as a clear justification for the proposed development. Caravan owners will bring most grocery provisions for short-term breaks from their own primary residences. There will of course be some marginal additional benefit to local pubs and restaurants from second home visitors particularly during the school holidays. However the incremental economic benefit from 95 additional occasional visitors (compared with the already existing 274

caravans) is not an adequate justification for a further permanent major encroachment into the rural environment particularly during the Winter when all the pain in the landscape is exposed through lack of tree and hedge cover and none of the benefit accrues to the local residents and businesses in Herefordshire because the caravan park is empty.

- Much emphasis in its recent plans has been placed by Malvern View Country Park on improving and upgrading the quality of the facilities on-site including a bar and licensed restaurant. In addition other activities are offered there, including a swimming pool and health and leisure spa (and they already have planning permission for a nine hole golf course) all designed to offer existing caravan owners plenty of opportunities to keep them within the caravan park for a significant proportion of the time and to ensure increased on-site spend.
- A significant proportion of any economic benefit in this case would probably not accrue to Herefordshire businesses as the Malvern Hills AONB is more likely to be a destination for visitors. The local residents of Stanford Bishop would necessarily carry ALL the “negatives” in terms of the impact in their local rural residential environment (including increased local traffic in the very narrow country lanes, night time local urbanised caravan park illumination particularly in the winter the local environmental impact of additional visiting dog walkers) with virtually none of the economic benefit.

OFFICER COMMENTS

The first bullet point infers a need to commensurately reduce the size of site B given that the number of caravans proposed has been reduced. The purpose of reducing the number of caravans proposed has been to introduce more substantial areas of landscape planting, particularly the extension of the woodland block that bounds the site to the south. It is right that this should be contained within the ‘red line’ of the application site and thus the site area has not been reduced commensurately with the number of caravans proposed.

Issues relating to landscape impact and the impact upon the AONB have been discussed at length within the main body of the report. The further comments made disagree with the conclusions of the case officer and Landscape Officer in terms of these impacts and do not present any new information to lead officers to a different conclusion. This includes the appeal decisions at Rock Farm and Tom’s Patch and the differences between the application site and, in particular, Tom’s Patch, are explained in the Landscape Officer’s comments at paragraph 4.4.

With regard to the impact of the proposed development on the significance of designated heritage assets, your officers are quite clear that the impacts are negligible. This is covered at length by paragraphs 6.24 to 6.35 of the main report.

During the site visit a question was asked about the implementation of highway improvement works around the junction of Woodend Lane and the B4220 and it was suggested that these works should be implemented before any caravans are occupied. The wording of condition 15 would address this as it requires that none of the approved development is occupied until the off-site highway works are complete.

A copy of the appeal decision at Tom’s Patch is referred to in the officer’s report. For clarification, a copy is appended to this update sheet.

CHANGE TO RECOMMENDATION

No change to the recommendation



Appeal Decision

Site visit made on 30 January 2018

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 12 March 2018

Appeal Ref: APP/W1850/W/17/3185946

Tom's Patch, Stanford Bishop, Bringsty, Worcester WR6 5UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S Powell-Bateson against the decision of Herefordshire Council.
 - The application Ref 162809, dated 5 September 2016, was refused by notice dated 2 August 2017.
 - The development proposed is a holiday park for 40 holiday caravans, associated infrastructure and managerial lodge.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the Council Officer's Committee Report recommended approval of the proposal subject to conditions, the Council's Planning and Regulatory Committee ultimately decided that planning permission should be refused. Where relevant the Council Officer's Committee Report is referred to in the course of my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to the rural landscape; and,
 - highway safety along Woodend Lane (C1136) and at its junction with the B4220.

Reasons

Character and appearance

4. The appeal site comprises a roughly square parcel of land with an access off Woodend Lane (C1136). The main field is enclosed by hedges with a further tranche of land within the site to the north and mature woodland beyond. The land rises gently from the east to the south-west. Agricultural fields lie to the south and west but the site immediately adjoins a large existing caravan park in separate ownership, Malvern View (MV), to the east. The nature of the surrounding landscape is agricultural with a mix of arable and pastoral fields, woodlands, scattered farms, hamlets and isolated dwellings. Whilst the site is

- relatively level, the topography of the surrounding area is more varied with an undulating landscape and hills, including the Suckley Hills and Malvern Hills some distance to the east.
5. It is proposed to create a holiday park for 40 static caravans with a manager's lodge and reception, a maintenance shed and a new vehicular access. There would be a recreation area within the paddock land to the north. Existing hedgerows would be retained and supplemented by additional planting, including native trees and shrubs.
 6. The relevant landscape is not nationally designated and the Malvern Hills Area of Outstanding Natural Beauty (AONB) is some 2.6km to the east. However, the landscape is identified within the Council's Landscape Character Assessment Supplementary Planning Guidance 2004¹ (LCA) as within the Timbered Plateau Farmlands Landscape Character Type (LCT). The key characteristics of this LCT include: field boundary hedgerows thrown into visual prominence by the landform; wooded valleys and dingles; ancient wooded character; mixed farming land use; linear pattern of woodland; organic enclosure pattern and medium-open views. Given that the site ranges from around 139-145 Above Ordnance Datum (AOD), it does, with adjacent fields, form a small plateau with relatively open views from the south and south west.
 7. The appellant's Landscape & Visual Appraisal (LVA)² accepts that the site does reflect some of the characteristic of the Timbered Plateau Farmlands LCT but says that: *'it is also influenced by characteristics at a more intimate scale.'*³ The LVA points, in particular, to the holiday park at MV, which adjoins the eastern boundary of the appeal site. Although there is some dispute between the main parties about the extent of the visibility of the existing caravan site, mainly in relation to the contours of the land, the Council states that: *'Where development has been permitted on higher ground the visual effects are clearly evident'*.
 8. Similarly, the appellant's LVA considers that the static caravans at MV dominate some views. The subsequent Landscape and Visual Statement of Evidence (LVSE)⁴ provided by the appellant, albeit in disputing aspects of the Council's case, says that a photograph from Viewpoint 5 in the LVA *'clearly shows the extent of Malvern View above the hedge line.'*⁵ From what I saw on my site visit, substantive parts of the existing caravan site at MV are prominent in the landscape in views from public vantage points along the local road network to the south and south west. That includes from parts of Woodend Lane, Hope House Lane and at the junction with the B4220.
 9. The LVA and the LVSE posit that the visual envelope is limited and that the proximity of MV diminishes the rural setting of the appeal site and sets a local precedent for this type of development. Even though the LVA submits that the appeal site has a reduced susceptibility to change because of the presence of an existing caravan park, it still considered the site to be of medium susceptibility overall. Views of the sight are significant and it is likely that it would also feature in more distant views from higher ground. In any event whilst the LVA is prepared within a framework of a stated objective

¹ Updated 2009

² Lockhart Garratt – Ref: 16-3183, Version: 2, Date: 6 March 2016

³ Paragraph 4.2.1

⁴ Lock Hart Garratt – Ref: 17/2149, Version: 3, Date: 24/01/2018

⁵ Paragraph 5.12

methodology, such assessments ultimately involve a level of subjective judgement.

10. MV already covers a sizeable area and, according to the appellant's LVSE, comprises approximately 274 static units, 14 touring caravans and 35 holiday lodges. Whilst the LVA emphasises the relationship of the appeal site with MV, it also describes that existing leisure park as a 'unique' component of the wider landscape, which it characterises as divided fairly evenly into arable and pastoral land of varying size and regularity. Although Woodend Lane runs to the west, with the access to MV to the immediate south, and the site is bounded by hedgerow, those elements do not dissociate it from the wider rural landscape or establish an exclusive relationship with MV. Rather, being a pastoral field bounded by hedgerow, the appeal site has more commonality with the characteristics of the surrounding countryside. It also performs an important function in containing the development at MV and creating a visual buffer between it and the public highway to the west, with fields beyond. Therefore, I disagree that the appeal site's proximity to MV legitimises more development of the same type obtruding further into the open countryside.
11. Moreover, the appeal site is on rising ground, which is likely to increase the prominence of the proposed 40 caravans. The Council estimates that the overall effective height of the each caravan, taking account of its base, would be about 4 metres, which has not been disputed. It is accepted that views from the north would be largely obscured by the wooded railway cutting. However, even allowing for the relaxed management of the southern and western hedges, which the appellant advises have grown to up to 2.5 metres tall, the upper parts of the caravans would still be visible in southerly views.
12. Further planting is proposed, with phased development and the caravans would be finished in muted colours, all of which could be secured by condition. However, the additional planting, including oak trees within the external hedge, would be likely to take some time to establish. Such screening would also be less effective during the winter months. Notwithstanding the suggested mitigation and the wooded backdrop, the proposed development would be read as an expansion of the already sizeable and prominent caravan park at MV. Adding 40 caravans over 2.9 hectares (7.1 acres) across a pastoral field, albeit informally arranged, would increase the visual intrusion into a predominantly rural landscape setting, particularly in near and mid distance views from the south and southwest.
13. Given that the site would be a holiday location, it is unlikely that holiday makers would wish to be completely enclosed by substantial screening, which could be oppressive if it prevented all outward views towards the pleasant surrounding landscape. Therefore, it is a likely that the height of vegetation would be controlled to some extent leading to inter-visibility. The LVA, referring to its 'Viewpoint 4' photograph taken from the junction of the B4220 and Hope House Lane, comments: '*The adjacent holiday park is conspicuous to the right of the field of view, and is a good measure of the likely visual interaction to be expected from the proposed development.*'⁶ That aspect of the LVA is in accord with my own observations. They lead me to conclude that the proposed development would, despite intervening hedgerows, and additional planting appear prominent viewed from public vantage points.

⁶ Paragraph 5.4.1

14. The LVA suggests that views are more limited from surrounding public footpaths, but Hope House Lane provides a connection from the Herefordshire House public house to the Three Choirs Way long distance walking route. Therefore, walkers and holiday makers may join it via Hope House Lane perhaps having taken refreshment at the public house. The rural road network, often characterised by quiet country lanes, frequently provides important connections for walkers to the public rights of way network. Indeed sections of the B4224 and Hope House Lane form part of the Three Choirs Way route. Although those particular sections do not offer good views of the appeal site, they do show that the public rights of way network should not be considered as discrete from surrounding connections to it.
15. Whilst the relevant country lanes lack formal footways that is mitigated by relatively low levels of traffic. Indeed, some local residents have referred to use of Woodend Lane by walkers, cyclists and horse riders. Therefore, views of the appeal site would not be merely confined to glimpses from fast moving motor vehicles. It seems to me that the expansion of holiday park development would adversely affect the panoramic visual landscape, as experienced by various users of the surrounding rural road network.
16. The Council's Landscape Officer originally expressed significant concerns about the effects of the proposal on the landscape and advised that a formal landscape appraisal should be produced by the appellant. The LVA places much weight on the proposed mitigation in the form of screening. In revised comments⁷, following the submission of the LVA, the Council's Landscape Officer is ultimately persuaded that the mitigation proposed will, whilst taking a number of years to establish, be effective. However, the Landscape Officer acknowledges that the proposal will extend development westwards onto the higher contours of the open countryside, therefore increasing its influence over the local landscape and bringing it to the forefront of the view. I agree with that part of the assessment.
17. Mitigation secured by condition can, in some circumstances, make otherwise unacceptable development acceptable. The proposal suggests substantial belts of landscaping, in the form of 5-10 metre deep buffer zones and trees, including standard tree specimens, with a minimum height of 300cm to 350cm, to supplement the existing hedgerow. However, the extent and scale of the mitigation considered necessary to ameliorate the fundamentally adverse effect on the landscape is also indicative of the basic harm that a caravan park at this location would have.
18. Moreover, the proposed mitigation would enclose the field with substantial screening vegetation which would itself compromise the characteristic openness of the plateau landscape. It would also take some time to fully establish. In any event, given the height of the caravans, it is likely that the development would still appear prominent in the visual landscape as the effectiveness of the screening would vary with the seasons.
19. Whilst the landscape is not nationally designated, and any views from the AONB would be distant, the value of the LCT is identified in the LCA. The National Planning Policy Framework (the Framework)⁸, an important material consideration in all planning decisions, also recognises the importance of the

⁷ Memorandum 18 May 2017

⁸ March 2012

intrinsic character and beauty of the countryside.⁹ The cumulative effect of the proposal, in the context of the existing caravan park at MV, would damage the rural landscape by expanding development into it. A number of local residents have expressed similar concerns about the incursion into the countryside. The quality of the landscape is also a factor in attracting tourists to the Herefordshire countryside so it is important that it is protected from detrimental development.

20. The above factors lead me to conclude that the proposal would harm the character and appearance of the area, with particular regard to the rural landscape. Therefore, it would be contrary to Policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS)¹⁰ which, amongst other things, seeks to conserve and enhance the natural and scenic beauty of important landscapes and ensure that development integrates appropriately into its surroundings. It would also conflict with similar policy protecting the countryside in the Framework.
21. Policy E4 of the CS promotes the development of sustainable tourism opportunities but that is provided that there is no detrimental impact on natural assets or on the overall character and quality of the environment. Therefore, given my findings above, the proposal would also conflict with that policy.

Highway safety

22. Concern has been expressed by the Council about an increase in traffic movements and its effect on the junction of Woodend Lane (C1136), Hope House Lane and the B4220. It is particularly concerned about visibility for drivers turning right from the C1136 towards Bromyard on the B4220. A supplementary concern was the acuteness of the turn towards the site, when approaching from the Bromyard. A local resident has also articulated broad concerns regarding the safety of the junction.
23. The junction is at a bend on the B4220, which has a 60mph speed limit. Nevertheless, as I saw on my site visit the junction is wide and visibility south is reasonable. Although vehicles approaching from the north-west on the B4220 emerge from a dip in the road and become visible closer to the junction, that point is still a reasonable distance away. There is also signage on the road side and surface in both directions on the B4220 advising drivers to 'slow' and giving notice of the coming bend. Part of the proposal includes re-lining the white lines at the junction to facilitate its safe use, which could be conditioned.
24. The section of Woodend Lane leading from the new access to the junction, although narrow in parts, is a straight road and an additional passing bay is proposed, which could be secured by condition. That road has also been used for some years by holidaymakers staying at MV, apparently without incident.
25. Given that the Council accepts that no personal injury accidents were recorded over a 5 year period from 2010-2014 and the latest data indicates that there is no record of accidents between 2001 and 2017,¹¹ concerns about the safety of the junction are not evidenced. There would be additional vehicular movements generated by the development but the traffic count indicates that the increase would be relatively modest. The Council's Transportation Manager

⁹ Paragraph 17

¹⁰ Adopted October 2015

¹¹ Paragraph 1.7 SoC Rebuttal – Transport Input – PTB (data obtained from Crashmap web site)

was satisfied by that evidence and the original Council Officer's Committee Report concluded that the proposal was acceptable in terms of highway safety and capacity. I agree that the modest increase in traffic would be unlikely to materially change the existing situation or jeopardise highway safety.

26. Moreover, it is significant that the site would be for static caravans. Therefore, tourists associated with the site would not be negotiating the junction trailing caravans. A local resident has referred to the regularity of road traffic accidents on the B4220 in the proximity of the junction, but the data does not appear to indicate that there have been accidents at the junction itself and no evidence of other frequent accidents has been provided. It has been suggested that holidaymakers unfamiliar with the three-way junction layout would be particularly vulnerable. However, given that the junction has been used for some time by tourists staying at MV, that concern does not appear to be borne out by the relevant accident data.
27. An accident in the vicinity in December 2017 is referred to but no precise location has been provided by the objector. The appellant has indicated that it was some 600 metres north of the junction and involved a car travelling towards Bromyard leaving the carriageway and colliding with a tree and a barrier. Therefore, regrettable though that incident was, it does not appear to be directly related to the junction at issue.
28. Overall therefore, I conclude that the proposed development would not harm highway safety along Woodend Lane (C1136) or at its junction with the B4220. Therefore, the proposal would comply with Policy MT1 of the CS as it has demonstrated that the local highway network can absorb the relatively modest traffic impacts without adversely affect the safe and efficient flow of traffic on the network. It would also be in accordance with paragraph 32 of the Framework, as a safe and suitable access to the site would be provided and there would not be any severe cumulative impact on the transport network as a result of the proposal.

Other Matters

29. There are three nearby grade II listed buildings being Silkcroft, Woodsend and Boyce Farmhouse. Silkcroft is an attractive two-storey, gable ended, black and white dwelling and dates from the 17th century, according to its listing. It is located about 200 metres to the south west of Tom's Patch. However, it is separated from the appeal site by Woodend Lane and an expanse of field which surrounds it and forms its immediate setting. Although the proposal would in effect, bring caravan development closer, it would not impinge on that setting to any great degree. Moreover, views towards the listed building from the east are already largely obscured by substantial modern agricultural barns and associated buildings which occupy the foreground. As I saw on my site visit, views from the house towards the appeal site would also be substantively curtailed by those same agricultural structures. Therefore, given those circumstances, the proposal would not harm Silkcroft or its setting.
30. Woodsend is some 200 metres to the north. However, it is separated from the appeal site by the heavily wooded railway cutting. There are no clear views towards that property from or incorporating the appeal site and the proposal would not have any material effect on the listed building or its setting. Boyce Farmhouse is at the eastern end of MV and its setting already consists of the adjoining holiday caravans, hardstandings and other ancillary buildings. Given

its current setting and distance from the appeal site it would not be adversely affected. A local resident has also referred to Clater Park House and Gardens, which is another grade II listed building, to the north. However, it is much further away from the appeal site than the other listed buildings. Whilst it may be seen in the same field of view as Tom's Patch in from some distant vantage points on more elevated ground, there is a sufficient intervening expanse of open countryside to negate any adverse effect on its setting. Overall therefore, I am satisfied there would be no harm to listed buildings or their settings in the vicinity.

31. Additional matters have been referred to by local residents objecting to the development including light pollution, effects on wildlife and noise. Some Appeal decisions have also been referred to an objector. As I have dismissed the appeal on other substantive grounds for the reasons given, there is no requirement for me to reach a definitive conclusion on those aspects.

Planning Balance and Conclusion

32. It is recognised that there would be economic benefits associated with the proposal. There would be employment opportunities during the construction phase and a contribution to the local economy from the purchase of materials and use of local trades and services. The appellant indicates that two full-time and two part-time employees would be required to operate the holiday park. Expenditure of holiday makers staying at the park in shops, pubs, restaurants and on visitor attractions and activities would also be of benefit. Although some of that spend would be within the site, it is reasonable to suppose that much would be external and support businesses in the surrounding area. I note the various reports and studies, referred to by the appellant, confirming the significant contribution of the holiday park industry and tourism more generally to the UK economy. The support of the Local Chamber of Commerce is also recognised. Those factors weigh in favour of the proposal.
33. Policy E4 of the CS also offers positive support to the development of sustainable tourism opportunities, which is in accord with paragraph 28 of the Framework. However, Policy E4 also seeks to safeguard the county's natural assets and the character and quality of the environment. Similarly, paragraph 28 of the Framework refers to respect for the character of the countryside and says that the provision and expansion of tourist and visitor facilities should be in appropriate locations.
34. I have not found harm in terms of highway safety. It is accepted that any development is likely to have some effect in the context of a rural landscape. However, the cumulative impact of the proposal in extending caravan development westward across panoramic rural views, would cause significant harm to the character and appearance of the rural landscape. In this particular case, on balance, the adverse visual impact on the countryside outweighs the economic and tourism benefits of the proposal, which does not, therefore, amount to sustainable development.
35. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27th June 2018
TITLE OF REPORT:	<p>180603 - FULL PLANNING APPLICATION FOR A PAIR OF SEMI DETACHED TWO STOREY THREE BED DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND WEST OF ST JOHN THE BAPTISTS CHURCH AND WEST AND SOUTH OF CHURCH HOUSE, ASTON INGHAM, ROSS-ON-WYE.</p> <p>For: Mr Edwards per Miss Jane Wormald, 2 Pitt Cottages, Huntsman Lane, Raglan, Usk, Monmouthshire, NP15 2BE</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180603&search=180603
Reason Application submitted to Committee – Re-direction	

Date Received: 15 February 2018

Ward: Penyard

Grid Ref: 368300,223541

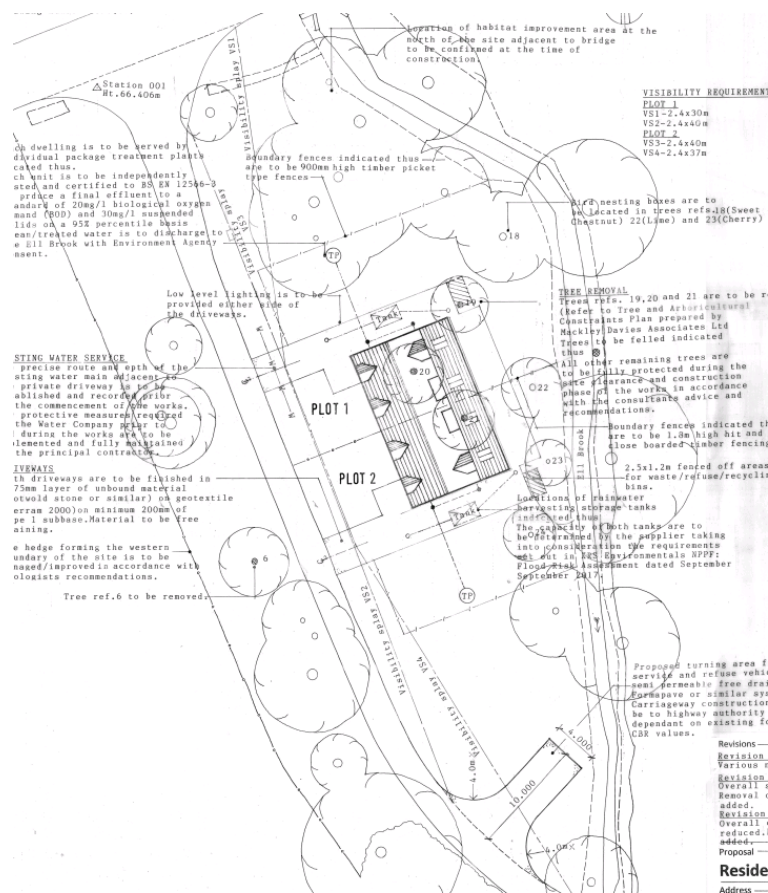
Expiry Date: 12 April 2018

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site lies on the approach to Aston Court and a complex of converted barns to the south of the B4222 within Aston Ingham. The site is bounded by the access road to the west and Ell Brook to the east. The Grade II* Listed St John's the Baptist Church lies to the east of the site on the opposite side of the brook, with three associated listed structures (all at Grade II) within its curtilage.
- 1.2 The site comprises a grassed area with a number of trees that are covered under a Tree Preservation Order. The site naturally falls along the east of the site towards the brook. Flood Zones 2 and 3 lie to the south east of the site and cover a number of the neighbouring dwellings but the site itself is outside of these.
- 1.3 The application seeks full planning permission for the erection of a pair of semi detached dwellings with the associated hardstanding and landscaping. The dwellings will utilise the existing access to the south of the B4222 with a parking area located off it. The dwellings proposed will be two storey measuring approximately 15m in length (across both properties) with a width of 9.3m (including the single storey leanto across the rear). The height will measure approximately 4.3m to the eaves and 7.5m to the ridge. The site layout is indicated below:

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894



1.4 Internally, the dwellings will each accommodate a lounge, dining room, family room, kitchen and WC on the ground floor with three bedrooms and a bathroom on the first floor. They will be handed versions of each other.

1.5 As well as the proposed plans, the application was accompanied by:

- Planning statement
- Preliminary Ecological Statement
- Flood risk assessment

2. Policies

2.1 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 Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire’s Countryside
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework (NPPF):

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
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 Aston Ingham is not currently preparing a Neighbourhood Development Plan.

3. **Planning History**

3.1 163912/O – Outline application for two pairs of three bed, two storey semi detached dwellings. Withdrawn 14 February 2017.

This previous application was withdrawn following concerns raised by the case officer. This was in relation to additional information required by the Council's Ecologist, Drainage Consultant, Historic England, Tree Officer and concerns with regard to the number of dwellings proposed on the site.

4. **Consultation Summary**

Statutory Consultations

4.1. **Historic England – No objection**

Summary

The application for a pair of semi-detached dwellings represents a change in the setting of the Grade II* listed church of St John the Baptist. Historic England is persuaded that the principle of a building in the proposed location is acceptable but we are concerned that the materials and proportions of this proposal will result in harm to significance that could be avoided and does not comply with the requirements of paragraphs 132, 134 and 137 of the NPPF. We therefore urge you to seek amendments to the detailed design of the scheme.

Historic England Advice

Historic England provided pre-application advice to the applicant following the withdrawal of application 163912. In this advice we identified that the significance of the Grade II* listed church of St John the Baptist rests in its age, appearance, architectural quality and location which lend it high communal, evidential, historical and aesthetic value. Within the setting of St John the Baptist, the cluster of village buildings around the church including the converted range of historic farm buildings associated with Aston Court contribute to its historical and communal value being indicative of the historic social, spiritual and physical development of this agriculturally based village around the medieval church. The former schoolhouse on the opposite side of the B4222 makes a similar contribution but also adds to the aesthetic value of the church by forming an attractive visual counterpoint. The undeveloped and open land to the west and north, including the application site, provides visual links with the agricultural history of

the village and provides an attractive setting, these aspects contribute to the church's significance in terms of historical and aesthetic value.

The proposal for a pair of semidetached dwellings represents a change in the setting of the listed building. In terms of the contribution of setting to significance, this change has the potential to impact on the church's historical and aesthetic value. The application should therefore be considered in terms of the policy contained in Section 12 of the NPPF, most particularly paragraphs 128, 132, 134 and 137 and advice in Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets.

Historic England is persuaded that the principle of a building in the proposed location is acceptable. At pre-application we advised that the scale, mass and form of proposals should be informed by a thorough understanding of these aspects of existing historic buildings around the church, particularly the adjacent former farm buildings, we drew particular attention to the role of plan depth in generating gable proportions. Historic England is not entirely persuaded that this analysis has been undertaken. The plan depth of the proposed dwellings at first floor that generates the gable and roof form is 7.5m, the application does not relate this to existing buildings so lacks the evidence that the building mass and roofscape of the proposal will read in a similar fashion to that of the former farm buildings in views to and from the church. We are also concerned that the proposed materials are of a significantly lesser quality than the natural materials of historic buildings which form positive elements in the setting of the church. We are concerned that the use of reconstituted and artificial stone for the walls, concrete roofing and brown as the colour for joinery and rainwater goods are elements that will have a negative impact on the aesthetic value of the listed building.

While the requirements of paragraph 128 have been met and the stepped approach to the assessment of the impact of change in the setting of a heritage asset set out in our published advice broadly followed, we are concerned that the materials and proportions of the proposal will result in harm to significance that could be avoided and does not comply with the requirements of paragraphs 132, 134 and 137 of the NPPF. Further evidence of the plan depth and gable proportions of historic buildings in the setting of the church and amendments to the proposed materials could address these concerns.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

On the receipt of amended plans, Historic England comments on the proposal as follows:

Historic England Advice

In our letter of 14 March 2018 we raised concerns regarding the materials and proportions of the proposed dwellings and considered that for these reasons, while the principle of a building in this location was acceptable, the design did not comply with paragraphs 132, 134 and 137 of the NPPF. The amended plans propose dwellings with a narrower plan depth and materials of a higher quality (natural stone and painted timber) that better respond to the character of the adjacent converted farm buildings. Our concerns regarding the scale, mass and form of the proposed building have therefore been addressed.

Recommendation

Historic England has no objection to the application on heritage grounds.

4.2 Natural England – No comments

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

4.3 **Welsh Water – No objection**

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency/Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water

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

4.4 **Severn Trent – No objection**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Internal Council Consultations

4.1 **Conservation Manager (Ecology) - No objection**

In line with previous withdrawn application comments

“The site falls within the Impact Risk Zone for the Aston Ingham Meadows SSSI – this is just approx. 1km hydrologically from this proposed development. This requires the Authority to assess any ‘potential significant effects’ (LSE) on this statutory designated nature conservation site. The identified LSE from this site is through unmanaged discharge of surface water and any onsite foul water management system. All surface water must be managed on site to ensure there is no increased run-off from site and that any discharge into the adjacent brook is appropriately screened to ensure no potential contaminants or pollutants (eg from residents cars and associated activities) are released from site, even under flood conditions. Unless connected to the mains sewer system (confirmation from statutory body required) any final outfall from a package treatment plant must be managed via a soakaway/spreader or wet’ reed bed’ system to ensure that NO residual phosphates, nitrogen or suspended particulates are released off site in to the adjacent stream and hence hydrologically to the SSSI or have a detrimental impact on other local aquatic habitats. This assessment is a statutory requirement and so I would request this detailed information is supplied before determination of this outline application.”. I am unsure why Natural England have not picked this up in their comments on this application as they have done for other development applications in the village.

I note that the currently proposed individual PTPs are to discharge directly to the brook but NO details are provided on how the Phosphates (Phosphorous that is an element NOT managed by the standard PTP processing) will be mitigated. If a direct outfall is proposed then to manage the ‘P’ levels an additional Phosphate Stripping system must be added between the PTP and final outfall (such as Klargester ‘+P’ PTP unit). Confirmation of proposed phosphate management system with relevant PIA test certificate clearly demonstrating a P level at outfall of under 1mg/litre is requested (<1mg/litre is the equivalent of the P level currently achievable and standard in the outfall from a mains sewage treatment plant).

Subject to this information being provided I would be happy to conclude that the LSEs on the Aston Ingham Meadows SSSI and local aquatic ecology are fully mitigated and consequently would be able to withdraw my current Objection.

I note the supplied ecology report which appears relevant and appropriate and the recommended mitigation and working methods should be implemented as advised.

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Abbey Sanders Ecology dated September 2017 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

Subject to foul water being confirmed in line with NERC Act, NPPF Guidance and Core Strategy all developments should demonstrate how they are going to enhance the local biodiversity potential. To secure this I would request a relevant Condition is included on any Planning Consent granted.

Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt); TWO bird nesting boxes, ONE Hedgehog home and ONE pollinating insect habitat home built in to, or attached to each of the new dwellings or an equivalent number installed on land or buildings under the applicant’s control, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA. Habitat boxes should be made of a long-lasting material such as Schwegler Woodcrete or Geenwood Ecohabitats Ecostrycrete. No external lighting

should illuminate any habitat enhancement above pre-development nocturnal illumination levels.

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. Dark Skies Guidance Defra/NPPF 2013

Confirmation that a unit to address additional phosphates will be installed with details conditioned on any approval has been received.

4.2 Conservation Manager (Historic Buildings Officer) – Object

Recommendation:

The proposed scheme fails to meet key requirements of national and local heritage policy, and would result in harm to the setting of the Grade II* listed St. John the Baptists Church, particularly its mediaeval tower, two Grade II listed tomb chests, situated on the west side of the churchyard, the undesignated heritage asset Aston Court, and former historic outbuildings.

Whilst the level of harm is considered to be *less than substantial*, that harm has not been clearly and convincingly justified, a requirement of paragraph 132 of the National Planning Policy Framework; nor has it been demonstrated that the selection of this site has been made on the basis of existing settlement character, or the ability for the development to enhance, or better reveal, the significance of the surrounding heritage assets, requirements of Herefordshire Core Strategy policies LD1, LD4 and SS6.

Paragraph 132 of the NPPF also requires great weight be given to the conservation of a heritage assets setting, and although the level of harm has been identified as *less than substantial*, it will be permanent and irreversible, affecting the most significant side of the church

Historic Background:

The proposed site is a narrow strip of land located on the western edge of Aston Ingham, overlooked by the Grade II* listed St. John the Baptist Church, and sitting between a branch of the Ell Brook and open countryside.

St. John the Baptist Church:

The church is mediaeval in origin, with 13th century remains and a 16th century tower; however, it was substantially re-built in 1891 by Nicholson & Son.

As a consequence of this alteration, the most significant element of fabric that remains, and the most visually prominent, is the 16th century tower, which faces west towards the proposed site.

In addition, two 18th century, Grade II listed, tomb chests also overlook the site.

It is these important elements, and how they are appreciated for the western side of the settlement, that will experience the greatest harm.

Aston Court:

Historically, the site was part of an orchard field system connected to Court Farm, and the entrance to the farm, situated to the east of the brook, served both the church and the farm. Ordnance Survey mapping, revised in 1901, shows the north-easternmost section was divided to create a formal driveway to the newly re-named Aston Court.

The re-naming of the farm, and revision of its entrance, were likely connected with a change of ownership; the 1905 OS map illustrates a new boundary division between the outbuildings and original farmhouse complex. The farmhouse and adjoining structures appear to have been demolished, and a new house built on that plot.

This period of development marks the change from Court Farm, a working farm, to Aston Court, a formal residence, with associated driveway and landscaping. The visual evidence of this historic development is its key significance, and development in the proposed location would erode this.

Whilst none of the remaining buildings on the wider site are statutorily listed, and most have experienced some degree of alteration or conversion, they are considered non-designated heritage assets as they contribute positively to public understanding of this part of the settlement.

Comments:

Development Pattern:

The historic development pattern of Aston Ingham is sparse and rural in character, consisting of a series of farmsteads, surrounded by orchards and open fields, arranged around a church. Entry into the settlement, from the west, is visually framed by the presence of St. John's Church to the south, and the Victorian schoolhouse to the north.

A small quantity of late 20th century development has taken place to the east and north-east of the church. This development makes a neutral contribution to the settlement, as although its design has not been specifically informed by its rural location, its scale, form, and detachment from surrounding heritage assets, has ensured its visual impact has been minimised.

No development, other than that relating to existing historic buildings, has occurred on the western side of the settlement.

Historic Setting:

The established setting of the church has always been rural in character, especially its western outlook. Views to, from, and through St. John's Church, and its surrounding graveyard, would be compromised as a result of development in this location, permanently eroding the established character, and resulting in the significance of the 16th century tower and 18th century chest tombs being diminished.

Negative elements of the former outbuilding conversion, adjacent to the church, include the demarcation of domestic curtilages and associated domestic paraphernalia; new development would inevitably have a cumulative impact, combining to form a ribbon of domestic encroachment alien to this rural setting.

The entrance to Aston Court was clearly a designed feature - referencing the changing status of the farmhouse - with both strips of adjoining land planted with trees to provide a screened avenue, and a formal boundary wall along the main road. Development in this location would alter how the heritage assets and surrounding landscape is understood and interpreted.

Proposed Scheme:

It has not been demonstrated that the character of the landscape, and established settlement pattern, has positively influenced the site selection, and that there would be adequate protection or enhancement of the setting as a result of the development taking place.

The design of the proposed scheme has not been informed by local context, or a vernacular form that is in keeping with its location; it is more representative of terraced cottages prevalent in settlements that have developed along a linear pattern. In policy terms, this design cannot be considered to enhance surrounding heritage assets, or contribute positively to local character or distinctiveness.

4.3 Conservation Manager (Tree Officer)

Having completed a site visit I have the following comments:

I appreciate that some of the trees will be lost to facilitate the design. T19, T20, T21 are poor specimens as indicated in the tree report and I do not have any objection to their removal. They will however have to be replaced at an alternative location within the site. Because this is a wet site trees which are tolerant of such conditions shall be selected, the accompanying conditions will specify the species.

T23 & T24 which are intended for removal are in good structural condition and I'm not convinced that their removal is justifiable; they are a sufficient distance from the development that they will have minimal impact and therefore shall be retained.

Condition:

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority.

This will include planting and maintenance specifications, use of guards or other protective measures and confirmation of location, sizes, nursery stock type, supplier and defect period. The species to be planted shall be:

X1 Betula nigra – River birch, 1 – Alnus cordata – Italian Alder 1 – Taxodium distichum – Swamp cypress.

All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with LD1 & LD3 of the Herefordshire Local Plan.

Condition:

The only trees to be removed which are shown in the approved drawings are T19, T20, T21, all other trees on site shall be retained. All trees on the site are protected by Tree Preservation Order 127/A2, any further proposed tree works will require a separate application.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy LD1 of the Herefordshire Local Plan.

Amended plans indicating the retention of trees T23 and T24 has been received.

4.4 Public Right of Ways Officer – No objection

The proposed dwellings would not appear to affect public footpath AG19, which is just west of the development boundary.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

4.5 **Land Drainage_– No objection**

4.6 **Transportation Manager - No objection**

As previously comments raised the issue of the visibility splay. “The site uses an existing access, however due to the increase in the vehicle movements associated with the development a plan submitted showing the visibility splays from the access which is required within the applicants ownership should be provided.”

Please supply a plan showing the visibility splay

On receipt of a plan indicating the visibility splays, the Transportation Manager does not object to the proposal and recommends standard conditions.

4.7 **Environmental Health (Contaminated Land) – No objection**

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

I've no adverse comments to make.

5. **Representations**

5.1 **Aston Ingham Parish Council – Object**

The parish council discussed this application at a special meeting held on the 21st March 2018 attended by the applicant's agent, five parish councillors and 15 parishioners, and briefly at the regular parish council meeting on the 4th April when the amended plans were available. We would comment as follows.

As you are aware, this proposal replaces application no. 163912 which was withdrawn following public consultation held in January 2017. The parish council would like to thank the applicant and the applicant's agent, Miss J Wormald of Shire Planning, for listening to the concerns of the local community and for working hard to mitigate what were viewed as the negative aspects of the proposal. The revised application represents a significant improvement over the original. You may recall from our detailed response to the original application that Aston Ingham has a requirement for a number of smaller properties which would attract young families into the village, or be suitable for existing residents occupying larger properties who wish to downsize. In principle, this proposal would contribute towards meeting this need.

The reduction in the number of units from four to two and the revised design of the properties proposed is much more in keeping with the setting and the context, particularly now that changes have been made to the design to meet the concerns of Historic England in terms of the plan depth which determines the gable proportions, and the quality of the materials used. Consequently, it is the parish council's view that the proposal is unlikely to significantly detract from the church's setting and hence its historical and aesthetic value. This is also the view of the churchwarden of St. John the Baptist church, representing the PCC.

If planning permission is granted, then it is the parish council's view that adequate protection of the setting and the context should be made by applying conditions which prevent the proliferation of other structures, such as garages or sheds which might otherwise be constructed within the curtilage of the dwelling houses under permitted development rights, prohibit solid boundary fencing and limit external lighting.

However, the parish council has two major concerns over the suitability of the site for development, namely the removal of a number of trees protected by a block Tree Preservation Order (TPO) and the risk of flooding/ground conditions.

Our understanding is that a TPO is made in order to protect trees which make a significant contribution to their local surroundings or where their loss would have a detrimental effect on the local environment and/or loss of amenity value. The block TPO covering this area was made to preserve the nature of the environs of Aston Court and yet many of the trees covered have been progressively felled or at least significantly reduced over many years. This application proposes to fell a further three trees within the footprint of the proposed dwellings (nos. 19, 20 & 21) and two other trees along the bank of the Ell Brook (nos. 23 & 24).

It is true that the three larches sited within the footprint of the proposed dwelling are showing signs of deterioration, but this is a part of the natural cycle of decay and renewal, and, in ecological terms, should be preserved. The consultant arborist estimates that two of these trees (nos. 19 & 20) still have a life expectancy of between ten and twenty years. The two trees along the Ell Brook (nos. 23 & 24) are in the best of health and the justification for their removal is highly questionable, particularly as the roots, in all probability, help to stabilise the stream bank and reduce erosion. The mitigation proposals (wildflower area, pond dredging and bat/nesting boxes) are to be welcomed, but in no way compensate for the loss of mature trees, which also absorb water and help to stabilise the ground which has a high water table and is prone to flooding. As regards the future of the remaining larch (no. 21), which has a life expectancy of less than 10 years, the parish council recommends that this should be kept under review, and that if its condition becomes unstable, then the height should be reduced as necessary with the remaining trunk allowed to decay in the vertical plane to preserve its ecological value, in accordance with Natural England guidelines.

What is at stake here is the integrity of the TPO process itself. What is the value of such an order if a developer can simply apply for permission to fell protected trees on the basis that they are, rather inconveniently, growing in the spot which he wishes to build, particularly if justified on the basis of some marginal deterioration in the natural growing cycle? The parish council feels that it is time for the local planning authority to make a stand as regards this TPO and strictly enforce its provisions.

The second major concern is flooding and the nature of the ground. There is some debate about the extent of flooding in the past. The applicant maintains that the site has not flooded before whereas other residents are adamant that it has, and submitted photographs and a video in connection with the previous application (163912). Notwithstanding the Flood Risk Assessment by KRS Environmental, the facts of the matter are that there is substantial rainwater run-off from the surrounding farmland onto the site and fluvial flooding associated with the Ell Brook, resulting in standing water on the site even in moderate rainfall. KRS has identified that the situation has been exacerbated by the flood defences constructed on the left bank of the stream, the reduced flow capacity under the bridge to the south, and the topography of the site which slopes from east to west (from the stream towards the site). The south east corner of the proposed dwelling appears to be quite close to the stream bank, whilst concerns over the potential for contamination of flood water (and hence the Ell Brook) by the solid matter which accumulates in the treatment plants persist.

The applicant has incorporated certain flood risk measures into the design of the dwellings, such as increasing the height of the floor slab and raised electrical sockets etc., but if these measures are required, this surely poses serious questions over the suitability of the site? The residents of the properties on the other side of the stream can attest to the misery of flood water ingress into their homes, and would surely not have gone to the trouble and expense of constructing the flood defences if flooding of the Ell Brook was not an issue?

There is also the question of the impact that flooding issues would have on the marketing of the properties and implications for insurance cover, and whether the additional costs of mitigating the risks would allow the developer to market the properties at a price which would attract young families into the village?

Consequently, the parish council strongly recommends refusal.

A week later the Parish Council provided additional comments as follows:

Following the submission of our original comments dated the 9th April 2018, the applicant invited the parish council chairman to visit the site, which took place on the 13th April. The applicant advises that the consultation period for this application has been extended to the 30th April, and consequently, the parish council would like to make the following supplementary and additional observations:

1. There appears to be a contradiction in the Flood Risk Assessment which states at paragraph 2.5 that the site slopes towards the Ell Brook, with a 2% slope east to west – which is in the opposite direction. The topographical survey (and also a visual inspection with the naked eye) suggests that the site is almost flat, and the parish council feels that the 2% gradient and its direction should be verified.
2. At the time of the visit the ground was saturated with some pools of standing water, supporting previous observations and reports from local residents that there is often standing water on the site, even after moderate rainfall. Drainage is clearly poor, and the 2% gradient, even if verified, clearly has limited effect.
3. It appears that the south east corner of the proposed building is approximately 37 metres up from the bridge and only 5 metres from the bank, adjacent to the flood defences which apparently deflect flood water on to the site. An inspection of the bridge revealed a sizeable culvert and two smaller overflow pipes, but even so there is a differential in water levels during fluvial flooding of the brook –i.e. the water ‘backs up’ on the upstream side (adjacent to the site). Given this situation and previous photographic and video evidence, the parish council questions whether the proposed building really is above the 1 in 100 or even 1 in 1000 year flood levels.

The parish council also wishes to comment on other responses received to date.

1. The parish council maintains its view that no mature trees should be felled in connection with this development, and in particular supports the tree consultant’s requirement that trees 22, 23 & 6 should be retained.
2. The parish council would object to any part of the proposed development which encroaches on the area of priority habitat.
3. Correspondence in support of the application has been received from three separate parties who each live a considerable distance outside the area. The parish council questions whether these submissions are material considerations.
4. Correspondence received from Mr T Dulson, who resides in the locality, clearly supports the parish council’s view that any housing approved for this site should be capable of being marketed at a price which would attract young people into the village.

Councillors have genuine empathy with the applicant’s personal circumstances and considerable respect for what he is trying to achieve. However, the parish council must take into account the interests and the views of all members of our community, and has concluded that the recommendation of refusal must stand

5.2 To date a total of 11 letters of support have been received to the proposal. The contents of these are summarised as follows:

- No village plan but Aston Ingham earmarked as a location for development to meet the County's housing needs. The development will help to meet the required contribution
- More affordable homes to attract younger population
- Added advantage of not using farmland or greenbelt
- Brings church nearer to the centre of the village
- Would round off village boundary and create clearer definition of the village entrance
- Has good road links for employment yet there has been no new housing or plans in process
- The heart of the village are a pleasant walk from the proposed development and would provide a welcoming community spirit for new residents
- This is an exciting opportunity to utilise land that has no other beneficial use and no negative impact
- Most of the time the ground is dry and the land is found to drain quickly during recent percolation tests
- The surface water running down the drive is due to the drainpipe under it is completely blocked

To date a total of 15 letters of objection as well as 2 letters from Consultants on behalf of local residents have been received to the proposal. The contents of these are summarised as follows:

- The plot of land is flooded by the nearby fields. The road becomes flooded and the surrounding area is waterlogged
- The site is waterlogged 6/8 months of the year
- When the stream is at capacity there is the additional risk of sewage entering the property (representation from a resident within Aston Court) from the shared sewage system which is already at maximum capacity (when conditions are dry)
- The stream is fed by a large catchment being the lowest point in the valley
- The stream rises rapidly and the high level and rapid flow is life threatening. A containment wall was constructed some years ago to safeguard the existing properties as well as additional drainage and flood shuttering on main doors
- If the application is approved who will take responsibility for the inevitable flood damage to new and neighbouring properties?
- Any removal of TPOs would only exacerbate the flooding issues and destabilise Ell Brook
- During flooding the water enters the three properties (to the east of the site), covers the majority of the area suggested in the build and over flows both sides of the bridge
- The technical flood report fails to evidence the reality of the problem and the impact on the site itself and surrounding properties
- There is no bus service, shop, school, jobs or public house in the village – only a village hall and church
- Aston Court, while not listed, is a heritage asset with its own setting as well as its shared setting with the now converted farm buildings, the church and the school
- The proposed development would damage the character and nature of the landscaped driveway which was built to go with the country house in 1904. It fundamentally alters the nature and character of the immediate setting of the church
- The harm caused is considerable and as such is not outweighed by the two new houses when weighing up the public benefit
- Detrimental to the character of the area
- No mention of the damage and disruption that would be caused to the driveway

- Problems on the plans in relation to the lack of fencing against the Ell Brook, the emptying of package treatment plants and the parking of any emptying vehicle, the outlet pipes of the plants not being on the plans – where will they go
- Due to the curve of the road and at present a driver can see if a car is coming, however, with cars parked on the proposed driveways, and fences and other obstructions, it will not be possible to see a car coming down the access road
- Issues with access onto the B4222 and the current situation only works due to the good sight lines without fences etc. The B4222 is very busy and used as a rat run
- The gardens of the proposed properties would be extremely small
- Living in the properties will bring about anxiety in relation to the drainage implications but also the lack of outside storage space, the driveway only being one car wide, coming out of each driveway would be tricky
- If the site is sold when it has obtained planning permission who will monitor the environmental plans are adhered to
- Cannot see how these houses will be 'affordable'
- Application form is incorrect in terms of applicant and agent names
- The red line is queried as the application includes 'proposals' or otherwise suggests delivery or gains or mitigation on land outside the site area. Also noted that no land is edged blue
- Conflicts between the FRA and the submitted drawings in relation to the floor levels. Based on the existing ground levels provided the finished floor level would equate to 0.82m threshold. There are implications for the buildings height and design as well as access
- The LPA is requested to share details of the TPO online. The sharing of pre-application advice would also be of assistance
- Even though Certificate A has been served with the application, the LPA is requested to enquire whether the applicant is the freehold owner of the entire site
- Concerns regarding the design in terms of materials and division of the site as well as the impact of parked vehicles and residential paraphernalia. Does not represent good design
- The scheme would harm the Principle Timber Farmland designation of the landscape to a significant degree. There will be visual amenity harm as well as to the landscape character. The land is private open space
- The proposal will have a detrimental impact on the residential amenity of existing dwellings
- The FRA states that an existing low retaining wall will be removed but this is not indicated to be within the application site or within the applicant's ownership. What is set out within the FRA is therefore incapable of being achieved
- The Tree Report seems to be provided as standalone document and has not been coordinated with the Ecology Report. The LPA may wish to request an evening/dawn survey the recommended mitigation of unknowns falls short of necessary protection and enhancement
- While special circumstances should be taken into account, the presentation of these circumstances is not convincing and not supported by a S106 'Heads of Terms'. As such, little to no weight can be attached to this
- The applicant has failed to demonstrate attention to form, layout, character and setting. The proposal does not meet policy RA2. It is within open countryside and there is no compliance with any of the 7 criteria contained within policy RA3
- As the proposed dwellings will need a raised slab level, it is assumed the drives, access path and private amenity land will be raised also. Has the additional loss in floor water storage for these areas been adequately mitigated and drainage

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180603&search=180603

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

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

6. Officer's Appraisal

Principle of development

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 49 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date. As established in recent case law (Suffolk Coastal DC v Hopkins Homes [2016] EWCA Civ 168) in practice this means that it is for the decision-maker to decide how much weight to apply to such policies, because paragraphs 14, 47 and/or 49 do not stipulate this.

6.3 An appeal decision for an outline application for up to 100 dwellings in Bartestree (LPA reference: 143771 / PINS ref: 3051153) specifically considered the weight to be attributed to the Council's spatial strategy in the context of a housing land supply shortfall; then held at 3.63 years' worth of supply (this has improved subsequently to an updated position of 4.54 years). The decision, which was endorsed by the Secretary of State, confirmed that the Council's approach to housing delivery is sound and the shortfall attributable to the delays in delivering housing on large, strategic urban extensions. Accordingly, the Inspector and subsequently the Secretary of State, determined to give significant weight to policies relevant for the supply of housing; particularly in the rural context.

6.4 Furthermore, in the context of the clarification provided by the Supreme Court re: Hopkins & Richborough, it is also the case that the correct definition of policies 'caught' by paragraph 49 is the narrow one and that the weight to go to the policies that serve to protect the countryside for its own intrinsic value can legitimately be afforded full weight.

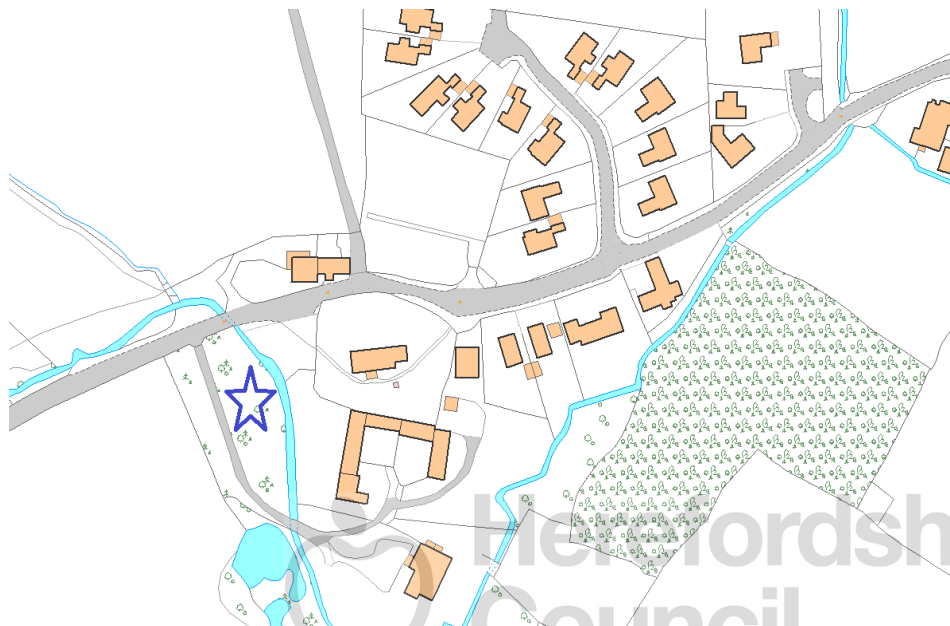
6.5 Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 55). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy continue to attract significant weight.

6.6 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.

6.7 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

- 6.8 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Aston Ingham is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14. With the settlement lying within the Ross-on-Wye Rural Housing Market Area, where there is an indicative housing growth target of 14%, based on the 180 houses within the parish there is a minimum of 25 houses required in the parish during the plan period (2011-2031). In the past 6 years there has been permission granted for a total of 6 houses. As such, at the present time there is an under provision of dwellings coming forward within the settlement.
- 6.9 Notwithstanding the above, the preamble to Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, Aston Ingham are not progressing an NDP. As such, it is the relationship between the site and the main built up part of the settlement that is to be assessed.
- 6.10 The site is indicated on the two maps below by the blue star and shown in relation to the settlement:





- 6.11 With the above in mind, the proposal is considered to be within or adjacent to the built up part of Aston Ingham. Policy RA2 goes on to make it clear that housing proposals will be permitted where the design and layout reflects the size, role and function of each settlement. This is reinforced by policy LD1 which states that development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale nature and site selection, protection and enhancement of the setting of settlements.
- 6.12 Aston Ingham is made up of a variety of dwelling types in a sporadic form – there are examples of both single storey and two storey dwellings, converted barns and old school, a former private residence subsequently subdivided into flats as well as wayside development adjacent to the road and a cul-de-sac. Given the varied pattern and types of development, the erection of a pair of semi-detached dwellings in the proposed location is not found to be out of keeping with the character of the settlement as a whole. As such, the proposal is found to comply with the broad aims of policies RA2 and LD1.
- 6.13 Notwithstanding the above, given the Grade II* listed status of St John’s the Baptist Church and associated listed structures, S66 of the Listed Building Acts Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged requiring the decision-maker to have special regard for the desirability of preserving the setting of such assets
- 6.14 Policy LD4 of the Core Strategy is also relevant in terms of local planning policies. This policy states that development proposals affecting heritage assets and the wider historic environment should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design in particular emphasising the original form and function where possible.
- 6.15 Regard is also to be had for paragraphs 132-134 of the NPPF. This was dealt with by Gilbart J in Pugh v SSCLG 2015 stating that: *‘There is a sequential approach in paragraphs 132-4 which addresses the significance in planning terms of the effects of proposals on designated heritage assets. If, having addressed all the relevant considerations about value, significance and the nature of the harm, and one has then reached the point of concluding that the level of harm is less than substantial, then one must use the test in paragraph 134’*. This test results in weighing up any harm caused against the public benefits of the scheme. If significant harm to a designated heritage asset is identified then planning permission should be refused as per paragraph 133.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

- 6.16 Case law has established that paragraph 134 is a restrictive policy within the meaning of footnote 9 of the NPPF i.e. a policy that indicates development should be restricted. In practice paragraph 134 acts to 'restrict' development by requiring that less than substantial harm to significance be placed into an unweighted balance. All that is required, in reflection of the statutory provisions described above, is that harm to significance outweighs the public benefits in a straight forward assessment i.e. it is not necessary to demonstrate that the harm significantly and demonstrably outweighs the benefits – merely that it outweighs them.
- 6.17 For decision-making contradictory advice from experts in the same field is potentially problematic. In this instance, Historic England, who are a statutory consultee, do not object to the proposals in relation to the impact on the listed heritage asset (the Church), following revisions to the scale and massing of the proposed dwellings.
- 6.18 However, if the advice of the Council's Historic Buildings Officer is preferred, he has clear objections and fails to be convinced that the proposals would comply with the requirements of paragraphs 132 and 134 and Section 7 of the NPPF in relation to the impact on the Church. As expressed above, in both cases this amounts to less than substantial harm but a significant material consideration that directs that refusal should ensue unless the public benefits of the proposal, outweigh the harm.
- 6.19 In this instance, the Council's Historic Buildings Officer not only objects to the proposal in relation to the impact on the setting of the listed/desinated asset but also the undesignated asset of Aston Court, a formal residency in its latter years that has since been subdivided into a number of residential flats.
- 6.20 Notwithstanding the paragraph 134 test touched on above, as harm has also been identified by the Council's Historic Buildings Officer in relation to the undesignated heritage asset, Aston Court, paragraph 135 of the NPPF is also applicable. This Paragraph states the following:
- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 6.21 As directed by paragraph 135, this harm is then to be weighed up in the planning balance. Both this and the paragraph 134 test will be covered below having regard for all the factors of the planning application.

Design and amenity

- 6.22 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact.
- 6.23 The materials proposed for the dwellings are interlocking concrete tiles in Old English Dark Red on the roof with sandstone masonry wall. The windows will comprise of brown aluminium casements with a mix of matching door casements as well as timber ones. Given the variety of materials within the vicinity consisting of facing brickwork, stone and timber clad elevations, the proposed materials are not found to be out of keeping within this location.
- 6.24 As commented upon above, there is a variety of dwelling types within Aston Ingham, but the proposed dwellings are redolent of a traditional cottage design, both in proportions and scale. The use of dormer windows also enables the overall height of the dwellings to be relatively

modest at 7.5m to the ridge. There are also several examples of pitched and flat roof dormers when travelling along the main road through Aston Ingham. With this in mind, these are not a foreign feature in the locality.

- 6.25 There are not many semi-detached properties within the settlement, although there are examples of adjoining properties including the complex of converted barns to the east/south east of the site as well as The Old School and attached (but separate dwelling) The School House. As such, the proposal is not found to be out of keeping with the surrounding pattern of development, nor is the associated demarcation of the plot in order to provide curtilage space for each dwelling at odds with this.
- 6.26 With regard to the impact of the proposal on the amenity of neighbouring dwellings, the rear of the property will be approximately 25m from the west elevation of the converted barns. With this distance in mind, as well as the intervening feature of the brook and the trees to be retained (covered below), a level of detrimental overlooking is not anticipated. The distance also avoids issues of overshadowing.
- 6.27 Moving onto the amenity of any future occupier, the dwellings will benefit from private amenity space to the rear of the properties. Boundary treatments would be conditioned on any approval to ensure that they are appropriate for the area while providing adequate screening for any future occupant.

Access and parking

- 6.28 The highways implications of any proposal are to be assessed against Policy MT1 of the Core Strategy. This policy states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposal without adversely affecting the safe and efficient flow of the traffic, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Council's Highways Design Guide.
- 6.29 The Council's Transportation Manager initially had concerns with the proposal given the lack of visibility splays indicated on the submitted plans. On receipt of this plan, the proposal is compliant in this regard and the utilisation of the existing access onto the south of the B4222 is found to be acceptable.
- 6.30 With the proposal being for two three bedroom dwellings, a minimum of 2 car parking spaces are required each in order to meet the standard contained within the design guide. The site plan that accompanies the proposal indicates the area for parking but the exact details will be conditioned on any approval.
- 6.31 The comments raised within the representations in relation to the proposed dwellings blocking views south along the driveway are noted. However, as there is a large area of hardstanding at the junction with the road, it is unlikely that vehicles would be having to wait on the road whereby this could lead to a highways safety implication. The vehicles will be off the adopted highway and on a private road.
- 6.32 A turning area for refuse vehicles has been included within the scheme to the south of the proposed dwellings. Having informally consulted with the Council's Technical Waste Officer, a refuse vehicle already travels down the private road to access the existing dwellings within the converted complex and Aston Court. The inclusion of a turning area will only be of benefit.

Trees & Ecology

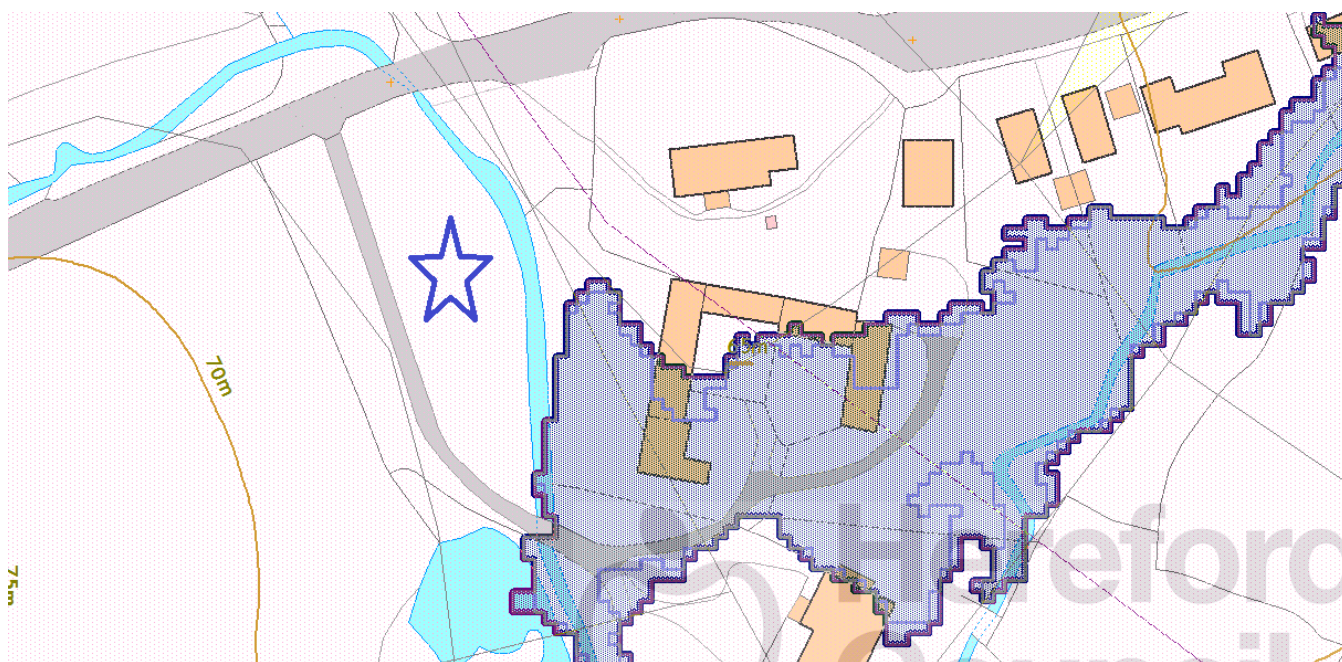
- 6.33 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the

biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

- 6.34 The site benefits from a number of trees protected by an Order although this scheme looks to remove three of them (nos. 19, 20 and 21 on the site plan). The number to be removed has been reduced in light of comments received from the Council's Tree Officer as some appear in good condition and the development does not justify their removal. While the Tree Preservation Order looks to protect the trees within it, it does not mean that with the relevant permissions they cannot be removed. This permission would override the Order and authorise their removal.
- 6.35 Moving onto the ecological impacts of the scheme, the application was accompanied by a Preliminary Ecological Statement. While potential impacts of the proposal have been identified within the Statement, with recommended mitigation in place these will be offset. The Council's Ecologist has had sight of the Statement and agrees with its conclusions. In this regard, a standard condition ensuring that the mitigation therein is carried out would be attached to any approval.
- 6.36 Clarification has been sought in relation to the disposal of foul water and the potential ecological impacts of this. On confirmation that the phosphates will be treated before final outfall, the Ecologist is satisfied that the ecological impacts of the proposal will be fully mitigated.

Drainage

- 6.37 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).



- 6.38 As indicated above, the site, while bounded by Flood Zones 2 and 3 to the south east, does not lie within a flood zone itself. However, anecdotally, it is understood that the site has experienced flooding due to the brook along the eastern boundary.
- 6.39 The application was accompanied by a Flood Risk Assessment which concluded that, while it acknowledges that there has been flooding within the vicinity of the site in the past, the risk of fluvial flooding is considered to be of low significance.
- 6.40 The application form that accompanies the proposal states that foul sewage will be disposed of by package treatment plants (utilising a unit to remove phosphates) and surface water disposed into the existing watercourse. These methods satisfy the requirements stated under policy SD3 and SD4 although details will be approved by condition.
- 6.41 The Land Drainage Consultant has provided comments on the scheme, as well as been made aware of the representations in relation to the drainage and flooding of the site. While discrepancies have been touched upon within the representations, the finished floor level can be conditioned on any approval and reviewed by the Land Drainage Consultant. At the level that has been proposed within the FRA, however, this is acceptable and sufficient to mitigate the risk of surface water flooding.
- 6.42 The Land Drainage Consultant does not object to the proposal but does recommend conditions in relation to a detailed surface water strategy, a detailed foul water strategy, the adoption and maintenance of the drainage systems and a flood warning and evacuation plan.

Other matters

- 6.43 Outstanding issues raised within the representations received are covered below.
- 6.44 The application form and location plan are adequate for the application to be valid and enable it to be fully assessed. Certificate A has been completed with the application stating that the site lies within the ownership of the applicant. This has been further confirmed by the agent.
- 6.45 The personal circumstances of the applicant (including the health of family members) have been touched upon by the agent within the submitted Planning Statement. While these are acknowledged, weight is not attached to these circumstances. The application is to be assessed on its own merits as any social benefit to the applicant's family is not guaranteed to continue in perpetuity based on the information submitted with the application.
- 6.46 In relation to the implementation of any planning permission and the adherence to environmental plans, any planning permission goes with the land as opposed to the person. As such, the conditions imposed on any decision will need to be adhered to by any future owner. The change in ownership will not affect the conditions placed on any approval.
- 6.47 With regard to any disruption or damage caused to the access road, as this is a private road, this is a civil matter. The granting of planning permission does not override any rights of access.

Planning balance and conclusions

- 6.48 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 development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously
- 6.49 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission

should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole; it being the case that there are no footnote 9 restrictive policies applicable.

- 6.50 The site is located within or adjacent to the main built up part of Aston Ingham which benefits from public transport and is a settlement identified for residential development under policy RA2. Officers are mindful that without an NDP for the parish, there are no allocated sites that are expected to come forward during the plan period. As identified above, there is also an under provision of new dwellings coming forward in relation to the target of houses for the parish as a whole.
- 6.51 Whilst officers have had regard to the comments of the Council's Historic Building Officer, regard must also be had to the public benefits accruing from the development proposal and as such whether the scheme passes the test under paragraph 134 of the NPPF. There are clear social and economic benefits of additional housing within the parish and contribution to the supply of available housing land within the County. With housebuilding there is associated economic activity both in terms of the construction phase and supply chain and activity of residents thereafter. In terms of social benefits, the proposal will provide two three bedroom properties which are the most required within the Ross-on-Wye Housing Market Area (indicated by the Local Housing Market Assessment 2012). The environmental impacts in this case are considered to be neutral. Having identified these public benefits, given that in my view, the harm identified is at the lower end of the scale, these are found to outweigh the less than substantial harm to significance. As such, officers conclude that the test within paragraph 134 is passed.
- 6.52 Moving onto the impact of the proposal on the undesignated asset of Aston Court, the 'balancing judgement' contained within paragraph 135 of the NPPF is engaged. While the comments received within the representations are noted, no technical objection has been received from any other consultee bar the Historic Buildings Officer. As such, weighing up the harm that has been identified on the undesignated asset against all the other areas of an application, it is not found that this harm outweighs the benefits of the scheme.
- 6.53 In relation to the drainage impacts of the proposal, no technical objection has been received from the Council's Land Drainage Consultant. The site lies outside of a flood risk zone and while it is not doubted that the site may experience flooding, on receipt of the Flood Risk Assessment, refusal of the application is not found to be justified.
- 6.54 With regard to other technical areas, the impact on the highways and the protected trees on the site have been fully assessed, and while concerns raised locally are noted, the proposal is found to accord with the development plan.
- 6.55 In terms of the overall planning balance, I am content that in the context cast by the lack of housing land supply, the absence of demonstrable adverse impacts and the benefits arising in the social and economic dimensions, that the scheme is representative of sustainable development.

RECOMMENDATION

That planning permission be granted subject to the following conditions below and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C13 Samples of materials**

4. **C65 Removal of permitted development rights**
5. **C96 Landscaping Scheme**
6. **C97 Landscaping scheme implementation**
7. **CBK Restriction of hours during construction**
8. **CCK Details of slab levels**
9. **CAH Driveway gradient**
10. **CAL Access, turning area and parking**
11. **CAZ Parking for site operatives**
12. **CB2 – Secure covered cycle storage provision**
13. **CC2 – External lighting**
14. **CBM – Scheme of foul and surface water drainage disposal (including the size of the rain water harvesting tanks and confirmation of the proposed authority for adoption and maintenance of the drainage systems)**
15. **CDD – Evacuation Management Plan**
16. **The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Abbey Sanders Ecology dated September 2017 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

17. **Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt); TWO bird nesting boxes, ONE Hedgehog home and ONE pollinating insect habitat home built in to, or attached to each of the new dwellings or an equivalent number installed on land or buildings under the applicant’s control, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA. Habitat boxes should be made of a long-lasting material such as Schwegler Woodcrete or Geenwood Ecohabitats Ecostyocrete. No external lighting should illuminate any habitat enhancement above pre-development nocturnal illumination levels.**

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. Dark Skies Guidance Defra/NPPF 2013

18. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with LD1 & LD3 of the Herefordshire Local Plan.

19. C88 – Retention of trees and hedgerows
20. C90 – Protection of trees/hedgerows that are to be retained

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I05 - No drainage to discharge to highway
3. I09 - Private apparatus within the highway
4. I11 - Mud on highway
5. I35 - Highways Design Guide and Specification
6. I45 - Works within the highway
7. In relation to condition 15, this will include planting and maintenance specifications, use of guards or other protective measures and confirmation of location, sizes, nursery stock type, supplier and defect period. The species to be planted shall be: X1 Betula nigra – River birch, 1 – Alnus cordata – Italian Alder 1 – Taxodium distichum – Swamp cypress.

All tree planting shall be carried out in accordance with those details and at those times.

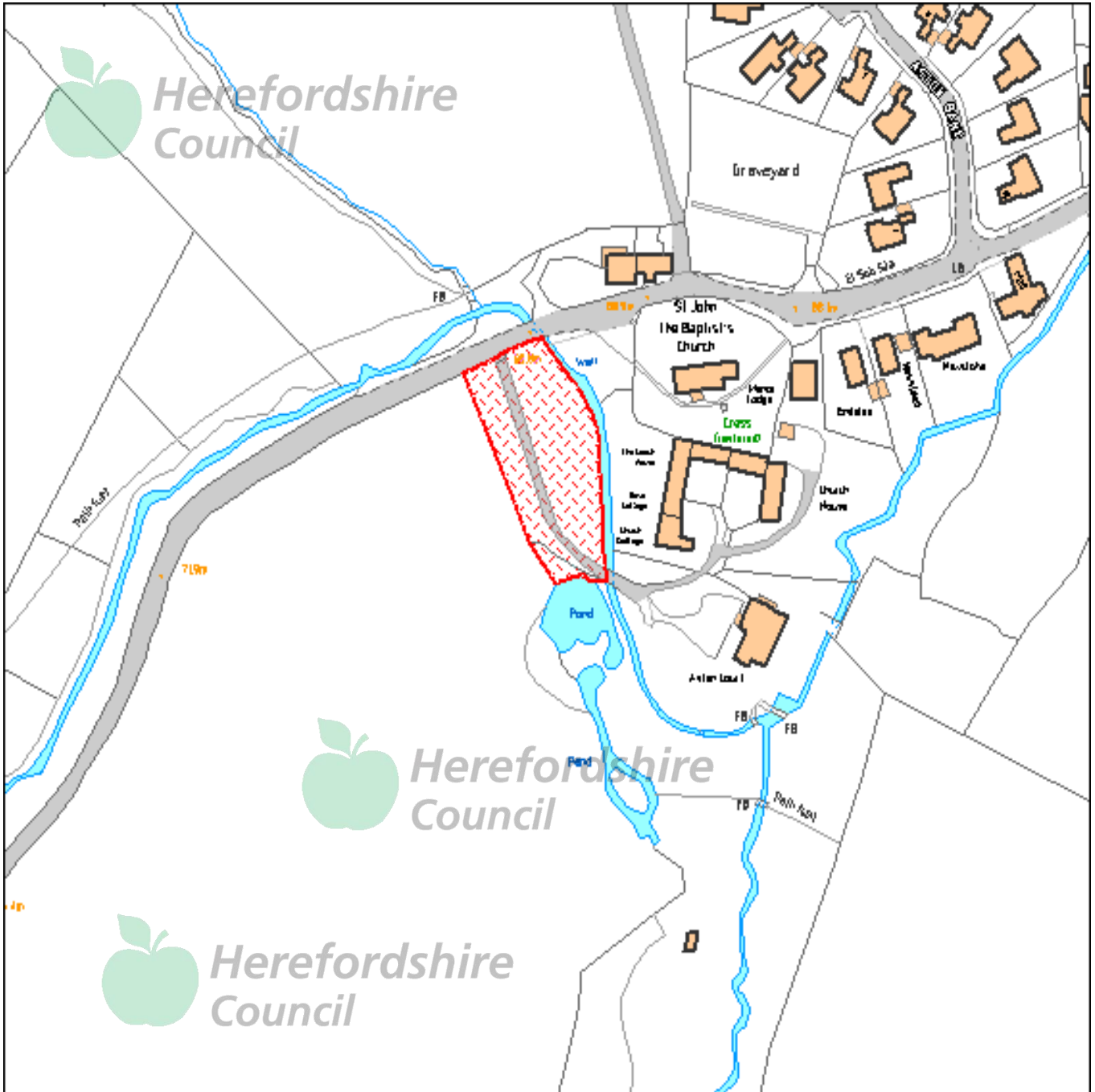
Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 180603

SITE ADDRESS : LAND WEST OF ST JOHN THE BAPTISTS CHURCH AND WEST AND SOUTH OF CHURCH HOUSE, ASTON INGHAM, ROSS-ON-WYE

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27 June 2018
TITLE OF REPORT:	<p>180256 - PROPOSED CAMP SITE AND TEMPORARY DWELLING. THIS IS AN AMENDED APPLICATION THAT IS A RESUBMISSION OF APPLICATION NO. 172848 REFUSED 6TH OCTOBER 2017 AT PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN</p> <p>For: Mr And Mrs Rennick per Mr Christopher Knock, Tinkers Grove Cottage, Eastnor, Ledbury, Herefordshire HR8 1RQ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180256&search=180256
Reason Application submitted to Committee – Redirection	

Date Received: 23 January 2018

Ward: Old Gore

Grid Ref: 366869,232421

Expiry Date: 2 April 2018

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The site comprises an undeveloped parcel of agricultural land located in an open countryside. The site retains its original field pattern and most of the key characteristics of its landscape character type; Principal Timbered Farmlands. The site is outside of and some 800 metres from the edge of nearest identified settlement in the local plan. Much Marcle, identified under Core Strategy policy RA2, is located to the west. The site forms part of the open countryside which is a gateway to the county and sits between, although outside two Areas of Outstanding Natural Beauty, the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty (AONB).
- 1.2 The site adjoins a Grade II listed thatched cottage. The application site provides an important setting of this designated heritage asset.
- 1.3 The proposal is described as a campsite and temporary dwelling and is a revised submission following the refusal of a similar application (P172848/F refers). In more specific detail, the proposal includes the following elements:
- 10 pitched for tents
 - 5 permanent cabins
 - 5 shepherds huts
 - 20 car parking spaces
 - 1 three bed temporary dwelling
 - Garage/ workshop
 - 1 hub communal building
 - Amenity building

Further information on the subject of this report is available from Mr S Withers on 01432 260612

- toilets, showers, wash room, together with a camp kitchen
- New access arrangements featuring stoned drive (revised since the original submission)
- A package treatment plant and SUDS drainage system

1.4 The applicant has provided a comprehensive package of supporting documentation. The concept of the proposal is to create a sustainable tourism site with a focus on permaculture, education (teaching traditional camping skills, sustainable food production and the principles of a sustainable lifestyle) together with promoting social interaction amongst guests. The submission also includes extensive landscaping proposals (including hedgerow and tree planting and the establishment of a wildflower meadow) and is accompanied by supporting documentation as follows:

- Summary/Steps to Date (including Justification and Sustainability Statement, Explanation of Permaculture, an Education Plan and an extract from a study on the Role of Ecotourism in Sustainable Development)
- Business Plan (including 5 year Forecast and Explanation)
- Arboricultural Constraints Report
- Site Management Plan
- Camping Tourism and Sustainability Statement
- A Planning Policy and Low Impact Development Report
- Visual Impact Assessment (entitled Landscape and Views)
- Transport Travel and Parking Report (subsequently supported by a Traffic Survey Report and Response to Area Engineers Objection)
- Foul and Surface Water Drainage Strategy
- Flood Risk Assessment
- Protected Species Survey

1.5 The reports can be viewed in the Supporting Documents section on the Council's website via the link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180256

2. Policies

2.1 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:-

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS3 – Releasing land for residential development Policy
- SS4 – Movement and transportation
- SS5 – Employment provision
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Herefordshire's villages
- RA3 – Herefordshire's countryside
- RA6 – Rural Economy
- MT1 – Traffic management, highway safety and promoting active travel
- E4 – Tourism
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD2 – Renewable and low carbon energy
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

Further information on the subject of this report is available from Mr S Withers on 01432 260612

2.2 Neighbourhood Development Plan

The Much Marcle Neighbourhood Development Plan (NDP) has passed the Regulation 16 stage and is progressing towards a Referendum scheduled for 12 July 2018. The policies contained within the Plan can be afforded significant weight.

The following policies are considered relevant to the determination of the application:

SD1	–	Sustainable Development
HO1	–	Delivery of High Quality Housing
HO4	–	Housing sites Outside Much Marcle Settlement Boundary
EM1	–	Employment and Economy
NE1	–	Landscape
NE2	–	Biodiversity
TI1	–	Transport Infrastructure and Public Access

The Neighbourhood Development Plan can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/directory_record/3090/much_marcle_neighbourhood_development_plan

2.3 National Planning Policy Framework

Achieving sustainable development
Supporting a prosperous rural economy
Promoting sustainable transport
Requiring good design
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

2.4 National Planning Policy Guidance

2.5 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 P172848/F - Proposed campsite and temporary dwelling. Refused 5 October 2017

4. **Consultation Summary**

Statutory Consultations

4.1 Severn Trent raises no objection commenting:-

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.2 Welsh Water comment as follows:-

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public

Further information on the subject of this report is available from Mr S Withers on 01432 260612

sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Internal Council Consultations

4.3 Transportation Manager

Comments on Original Plans

I have significant concerns regarding this application and the implication on pedestrians, cyclists and the site access. The site is located 1km from Much Marcle and the nearest bus stop is also located within Much Marcle village (adjacent to Glebe Orchard).

To reduce the need for private vehicles the site promotes using the bus, however this requires walking the 1km into Much Marcle on a highway network which doesn't have any footways and verges are limited, this is especially significant around the Dobbins Pitch area which has no verges and high hedges adjacent to the carriageway. Whilst the submitted documentation reviews the sustainable transport provision, it fails to review the implications of pedestrian movements. It is noted that the site would provide a mini bus to get passengers to and from the bus stop; however this would increase the vehicle movements from the site and may result in campers feeling that it is easy just to take the car the full distance as it would provide greater flexibility both in terms of travel time and time available at the destination. Campers may not want to use the mini bus provision preferring to walk into Much Marcle to use the community facilities e.g. public house and memorial hall for community events. Campers may also wish, once in Much Marcle to walk to the post office/shop, therefore increasing the number of pedestrians crossing the A449, which is a busy and fast road.

Below is the bus data for the buses which service the Much Marcle - Glebe Orchard stop. The total travel time should be taken into account as the undertaking of certain services is roughly to total time available as the destination, once again the campers may decide that its easier and more flexible to use a private vehicle, therefore increasing the number of cars both on the highway and using the access.

<u>Buses</u>	456 Service - Hfd (Thurs)	459 Service - Ross (Tues)	478 Service - Hfd (weds)	479 Service - Led (Tues)
Leave MM (Glebe Orchard).	09:32:00	09:47:00	10:30:00	10:30:00
Arrives Dest	10:40:00	10:12:00	11:35:00	11:10:00
Leaves Dest	13:00:00	12:30:00	14:15:00	13:30:00
Arrives MM (Glebe Orchard).	14:18:00	12:57:00	15:14:00	14:10:00
Time in Dest (hrs)	02:20:00	02:18:00	02:40:00	02:20:00
Total travel time (hrs)	02:26:00	00:52:00	02:04:00	01:20:00

The provision of a bus stop adjacent to the site would not be an option as there would not be enough space within the highway to allow the appropriate bus stop facilities to be provided e.g. hard standing. It would also require having significant numbers and frequency of passengers to warrant the provision.

Cycling routes - There are no official cycle routes within the Much Marcle area, the site wishes to promote cycling as part of the holiday experience, this therefore increases the number of cyclists on B road. The B4024 is used as a cut through from B4215 and is subject to a national speed limit. No volume survey has been provided as part of this or previous application, therefore a review of increasing the number of cyclist of the B road network has not been

undertaken The nearest official cycle route is near Ledbury, and would require transporting of cyclists and cycles to Ledbury,

We would not support the use of "family bikes"/rickshaws as they would need to undertake a right hand turn to/from the site across the carriageway, they would be the size of a small car but wouldn't have the acceleration to react to any evasive manoeuvre if required, and it is felt they are not appropriate for the highway network around the site and are more use within a city or town setting. A pedalled rickshaw can be driven by anyone, without the need for a driving licence. Rickshaws and bikes may require waiting as they turn into the site; this would mean cyclists/rickshaw would be at risk of a collision from vehicles heading north.

Site access

The proposed location of the site access raises a number of issues. Firstly no speed data has been provided as part of this or previous application, therefore no assessment of the speed of the road has been undertaken. The road is subject to a national speed limit, therefore using the type of road and the signed speed limit (60 mph) the visibility splays would require a minimum distance of 200m, in both directions. The visibility splay would therefore not be able to be provided within land which is owned by the applicant and would require significant amounts of hedgerow removal. Forward visibility is also a concern especially in regards to cyclists, this has not been assessed.

As the concerns highlighted above show, I can not look to support this application. Core strategy policies MT1 and SS4.

Comments on Revised Plans/Additional Information

The submitted speed survey recorded speeds of 43 mph in a northwest direction and 45.8 in a south east direction, as the speeds recorded are higher than 37.2 mph, the highest visibility splay distances are required. The speeds equate to 116.4m and 129m respectively. The provision of the visibility splays require a large section of hedgerow to be removed to the south, while the visibility splay to the north goes over land which is not in either highway land or land owned by the applicant. The removal of large sections of hedgerows can increase speeds as vehicles on the carriageway can see further.

The submitted information has not removed my concern about this site as stated previously.

4.4 Conservation Manager (Landscapes)

Comments on Original Plans

The proposal will necessitate a variety of works which will result in the introduction of built form, access tracks and amenity landscaping; this in my view will result in significant change to the landscape at a local level. Given that the site is surrounded by an essentially natural landscape, representative of its type and forms one of the gateways to the county, this is in my view renders it medium to high sensitivity. I am not convinced that such a scheme respects the inherent landscape character and neither am I satisfied the adverse effects of such a proposal can be fully mitigated within the landscape. The proposal is therefore not considered compliant with policy LD1 of the Core Strategy.

Comments on Revised Plans

It is my understanding that the proposals have been amended to ensure that hedgerow trees can be retained, this is welcomed, however the landscape objection to the principal of the development upon this site still stands.

4.5 Conservation Manager (Heritage)

Recommendations: Provided reasonable care is taken over the landscaping of the scheme, it is not felt that the proposals would harm the setting of designated heritage assets.

Background to comments.

To the immediate NW of the site lies 'Playwood' (the cottage known as Playford), a Grade II listed C18 timber framed thatch cottage, set within a rural location. Provided reasonable care is taken over landscaping it is not felt that the scheme would adversely impact the setting of this building.

500m to the NW of the site lies a group of Grade II listed farm buildings and farm house at Great Moor Croft Farm. It is not felt that the setting of these buildings would be affected by the proposals.

1km to the NW of the site lies Hellens, an unregistered park and garden and Grade II* C16 house altered in the c18. Due to the intervening distance it is not felt that the setting of the buildings would be affected by the proposals.

800m to the W of the site lies the Conservation Area of Much Marcle and several listed buildings including the church. There is no statutory protection for the setting of a conservation area, although case law allows this to be considered. It is not felt that the setting of the conservation area or listed buildings within it would be affected by the proposals.

4.6 Conservation Manager (Trees)

Comments on Original Plans

I do have concerns regarding the impact the proposed design has on the existing trees which are located North – North East of the site.

The proposed parking area located adjacent to trees 3 & 4 as listed in the tree constraints plan will encroach significantly into their Root Protection Area (RPA) & put undue stress on both trees.

Even if no dig methods were to be used here it is still my opinion that the constraints on the trees would be too great. The amenity building to the south of the parking spaces also encroaches with the RPA of trees 5 & 7; my concerns for these trees are the same as for T3&4.

Ultimately I do not think that the design is sympathetic to the green infrastructure, it puts unnecessary pressures on the existing trees and is contradictory to policies LD1 & LD3 of the Herefordshire Local Plan.

They are specimens of high amenity value and should be treated as key assets rather than obstructions which appears to be the case.

I therefore object to the application.

Comments on Revised Plans

I am pleased to see that that my reasons for objection have been considered and alterations have been made to facilitate the retained trees on the boundary of the site.

As the amended plans have significantly less impact I no longer have any objections.

Details outlined in the tree report regarding tree protection will be adhered to throughout development. These details will be conditioned.

Condition:

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Tree Survey and Arboricultural Constraints Report – Jerry Ross Consultancy.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with LD1 & LD3 of the Herefordshire Core Strategy.

C88 G03.

Comments on Revised Access (with visibility splay requirements recommended by Transportation Manager)

At the time of writing the Arboriculturalist and Ecologist have not revisited the site to establish the impact of the required visibility splays on trees and hedgerows. A written update will be provided and the Recommendation below reflects this outstanding matter.

4.7 Conservation Manager (Ecology)

Thank you for consulting me on this application. My comments on the original application are still valid concerning this one in relation to ecology. The ecology report is still acceptable and I would propose that you include the same conditioning regarding the recommendations of this report as follows:

The recommendations set out in Section 7.1 the ecologist's report from Protected Species dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

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

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

Comments on Revised Access (with visibility splay requirements recommended by Transportation Manager)

At the time of writing the Arboriculturalist and Ecologist have not revisited the site to establish the impact of the required visibility splays on trees and hedgerows. A written update will be provided and the Recommendation below reflects this outstanding matter.

4.8 Land Drainage (Balfour Beatty Living Places)

Surface Water Drainage

The following has been stated by the Applicant: *infiltration techniques are not a viable option, thus an attenuation area of 203m³ has been proposed in the lowest section of the site (southeast). This is able to cope with the 1 in 100 year + 30% climate change event. The water will be pumped to a secondary pond (50m³) (at approx. 5l/s/ha) on the southern boundary of the site. Discharge from the second pond will outfall (under gravity) to roadside drainage along the northern side of the highway with final outfall to a watercourse (60m downstream).*

We do not consider the use of pumped drainage systems to be sustainable. The Applicant should discuss with the adjacent landowner whether an outfall across the adjacent field can be achieved to allow direct discharge to the watercourse (to the southeast of the proposed development site). An easement will be required. The same situation arises for disposing of treated effluent.

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Where possible, betterment over existing conditions should be promoted.

The surface water and foul drainage strategy states that the Applicant shall have sole responsibility for undertaking works in the strategy document, including ongoing maintenance of any drainage measures.

Foul Water Drainage

The following has been stated by the Applicant: *the foul drainage strategy has been based on the assumption of 3 residential users and a maximum of 60 people staying in a combination of tents, cabins and touring caravans at the site (British water – Flows and Loads 2 has been used). It is proposed that the treated effluent from the package treatment plant will be passed via a reed bed system to the attenuation pond, from where discharge will be pumped offsite to the roadside drain (alongside surface water).*

We consider the use of pumped drainage systems to be unsustainable. Similarly to as mentioned above in the Surface Water Drainage, the Applicant should have discussions with the adjacent landowner to facilitate an outfall to the watercourse which does not require pumping.

The Applicant will need to apply for an Environmental Permit from the Environment Agency as the expected peak flow rate is greater than 5m³ per day.

The Applicant should provide evidence that the outfall is to free flowing water which is non-seasonal.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

Overall Comment

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

Further information on the subject of this report is available from Mr S Withers on 01432 260612

- A detailed surface water drainage strategy (including a demonstrative drawing) (which does not include the use of a pumped drainage system) with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of, in addition to seeking an Environmental Permit;
- Details of any proposed outfall structures.

Any discharge of surface water or treated effluent to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

4.9 Public Rights of Way Manager

There are no rights of way within the proposed site. No objection.

5. Representations

5.1 Much Marcle Parish Council objects as follows:

Proposed camp site and temporary dwelling is not supported by the emerging Much Marcle NDP. Outside the Settlement Boundary in open countryside. Does not address local housing needs nor offer any affordable housing on a rural exception site. The tourist business is not proven. Adjacent to a grade 2 listed property.

5.2 There have been 26 representations offering support for the application. These can be summarised as follows:

- a campsite for the village is an excellent and well-thought out project
- appropriate location away from, but close enough to the village not to look out of place
- will provide benefits to existing business and local events in the village
- a well considered, low impact use
- positive educational opportunity, inspiring and aspirational
- field is not viable for commercial farming
- dwelling is a necessary requirement for ensuring site safety and responsible management
- proposal embraces the "Here you can" tenet
- comprehensive business plan that is commercially viable
- less harmful than nearby chicken sheds and wind turbine
- a beneficial additional facility for the village
- will encourage longer stays in Herefordshire
- good access to facilities via footpaths and will encourage, holiday makers more likely to walk and cycle
- site enhancement will improve diversity of wildlife

5.3 There have been 3 objections to the application. These can be summarised as follows:

- outside settlement boundary, in open countryside
- established field pattern and cultural association with agriculture would be lost

Further information on the subject of this report is available from Mr S Withers on 01432 260612

- not sustainable or of an appropriate scale
- impact on setting of listed building and nearby designated wildlife site
- impact on long distance view identified in NDP
- business need unproven and other sites are available within 9 miles
- no evidence to demonstrate sustained functional need
- temporary dwelling not sympathetic to Grade II listed Playford or Ladywood
- not sustainably located – walking distance of some 1 mile to nearest facilities/public transport along unlit roads with no pavements
- will generate a large number of additional vehicle movements on local road network
- site is highly visible when approaching from the east and in close proximity to Local Wildlife Site
- scattered cabins, pods, building and temporary dwelling out of character with rural landscape
- inadequate provision made for secure cycle storage and providing for electric bikes, contrary to Highways Design Guide

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180256&search=180256

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 The proposal is a campsite and temporary dwelling and seeks permission for a significant number of structures and associated development including 10 camping pitches, 10 permanent cabins supplemented with various ancillary amenity buildings and facilities and a new vehicular access. This revised submission follows the refusal of permission for a similar proposal (although touring caravan provision has been removed and other revisions made, including the relocation of the access to seek to address technical objections). The application is accompanied by a number of documents, which will be referred to the relevant sections of the Appraisal.

6.2 The application has generated a relatively high level of public interest, much of which is supportive of the aims of this proposal. The following considerations are relevant to the determination of the application:

- The principle of establishing a new campsite and temporary dwelling (including sustainability);
- Economic impacts;
- The visual impact of the proposed development on the site, surroundings and setting of Much Marcle;
- The impact of the proposed development upon the character and setting of nearby designated heritage assets
- The impact of the proposed development upon biodiversity
- Access and highway safety
- Residential amenity impacts
- Foul and surface water drainage implications

6.3 The Appraisal will, where necessary, seek to distinguish between the policy implications for the proposed campsite use and the dwelling.

The Principle of Development/Site Sustainability

- 6.4 The proposal is in an open countryside location some 800 metres from the settlement boundary that is defined with the Much Marcle Neighbourhood Development Plan and approximately 1.8 kilometres from the nearest local facility (the Walwyn Arms).
- 6.5 Whilst it is recognised that Much Marcle is a settlement identified for proportionate growth, and as such has a level of services and facilities befitting such status, it is considered that the proposed site would be unlikely to support these facilities in a sustainable manner. Policy SS7 of the Herefordshire Core Strategy (CS) requires that proposals focus development to the most sustainable locations and reduce the need to travel by private car and that encourages sustainable travel options including walking, cycling and public transport. Policy SS4 of the CS also requires that proposals should facilitate a genuine choice of travel modes. These policies are reflective of the National Planning Policy Framework (NPPF) objectives to guide development to sustainable locations, as clearly and particularly articulated in the sixth and eleventh bullet points of the core planning principles set out in paragraph 17.
- 6.6 The local road network comprises unlit rural roads with some significant bends and no footway making this a generally unattractive environment for walking or cycling and given the distances to any services or facilities such as public houses, restaurants, shops or bus stops, it is therefore unlikely that future occupiers would walk or cycle. Whilst I note that there may be attractive walking and cycling routes within the wider area and that there is a clear aspiration to promote these for guests, notwithstanding the well established recreational benefits there is no evidence provided to suggest that these would be utilised to access services or facilities. In relation to bus services, no public transport readily serves the site, with the nearest bus stop located beyond reasonable walking distance of the site. The intention to provide a mini-bus service is noted but there is no mechanism provided to ensure that this is available at all times and it will not be reasonable to compel guests to use this service or to share transport with others.
- 6.7 For these reasons, for the majority of the time and for convenience reasons, occupiers would be likely to be highly dependent on travel by the private car to access services and facilities. As such the proposal would conflict with Policies SS4 and SS7 of the CS and paragraph 17 of the Framework.
- 6.8 Policies E4 and RA6 of the CS, which provide for tourism related developments and the rural economy are relevant. Policies E4 and RA6 of the CS state that the development of sustainable tourism opportunities, capitalising on assets such as the county's landscape where there is no detrimental impact on the county's varied natural assets or on the overall character and quality of the environment would be supported. Particular reference is made to the need to ensure that development is of a scale that is commensurate with the location and setting and where additional traffic movements can be safely accommodated. These policies are underpinned by paragraph 28 of the Framework that explains that local development plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres
- 6.9 Set against these locational disadvantages and policy constraints, the supporting documentation makes a compelling case for the wide range of facilities, activities and events that take place in and around Much Marcle and across Herefordshire and also the availability of walking and cycling routes that will undoubtedly appeal to some, if not all, guests. It is also recognised that the village does not currently benefit from a camp site and that there will no doubt be associated benefits to local businesses (shop, Post Office and 3 local public houses).

- 6.10 However, in your Officers view, and with due respect and consideration to the extensive supporting information provided by the applicant, the proposal would not constitute sustainable rural tourism when considered against policies E4 and RA6 of the CS, policy SD1 of the Much Marcle Neighbourhood Development Plan (MMNDP) and paragraph 28 of the Framework because of its isolated location, relative scale and adverse impact upon the local landscape and rural setting of Much Marcle.
- 6.11 The proposed residential element of this proposal must also be considered carefully and this is essentially controlled through CS policy RA4 which expresses support for dwellings that underpin a rural enterprise where it can be demonstrated that there is a *sustained essential functional need* and it forms part of a *financially sustainable business*. Use of temporary permissions can be considered where the economic sustainability of a rural enterprise is not proven or where a business is being established. The application promotes the temporary approach and seeks to demonstrate an essential functional need through the need to provide site security and properly manage the educational program and other activities that would be on offer for staying guests. It is stated in supporting information and by a number of comments received from third parties that a camp site of this size cannot operate without 24 hour on site management. Your officers do not share this view as there are other means by which site security could be delivered and it is respectfully maintained that such sites would likely have started at a location where a dwelling was already a feature (such as a farm diversification) or where buildings could be converted for residential use and then grown organically.
- 6.12 For the avoidance of doubt, the information provided with the application is considered sufficient to advise that the enterprise is a financially sustainable one but whilst a dwelling would no doubt be convenient it is strongly maintained that it is not an essential requirement, and in this location, there should be very strict controls over new dwellings. On the basis of the evidence provided it is not considered that the application would accord with CS policy R4 and policies HO1 and HO4 of the emerging MMMNDP.

Economic Impacts/Social Benefits

- 6.13 In order to properly weigh up the other impacts that will be discussed below, it is an important material consideration to consider the economic impacts and other benefits that would accrue from the proposed campsite use. The application documentation refers to the fact that the village does not have a camp site facility and that the particular offer that is being proposed in this instance is different from other facilities in terms of its focus on permaculture, education and promoting sustainable living. This is recognised and so too is the potential all-year round provision of accommodation that would arise from the proposed cabins that will provide extended benefits to local businesses. The Business Case conservatively estimates that in the first year this site would result in approximately £378,650 being spent in the local economy. There would also be benefits associated with local companies being used in the construction of the camp site and local suppliers and other recreational facilities that would be visited by guests.
- 6.14 The concept that is being proposed, which will promote sustainable living, through educational activities and growing produce will have social benefits that are relevant to the overall balance of the decision-maker.
- 6.15 The economic and social impacts would undoubtedly be positive, but are very difficult to quantify and these would need to be weighed against the other environmental impact, which are set out in more detail below.

Visual Impact and Landscape Character

- 6.16 There is little context for development within the locality and the site retains its original field pattern and most of the key characteristics of its landscape character type; Principal Timbered Farmlands.
- 6.17 The site itself has an undulating topography which does not easily lend itself to this development and the proposal is therefore likely to require a degree of levelling to facilitate what is proposed. The dwelling is located in the far corner of the field, a relatively level section of the field but this bears little relationship to the existing settlement pattern and will necessitate an extensive access and the visibility requirements would necessitate a significant loss of hedgerow that would open up the site to views whilst any new replacement hedgerow established would in itself adversely affect the settled character of the rural approach to Much Marcle.
- 6.18 It is not considered that this site lends itself to this form of development easily because of its topography. The approach to the site is along a minor road but is of increased sensitivity because of its gateway into the county and relatively high quality (albeit undesignated) landscape.
- 6.19 The proposal will necessitate a variety of works which will result in the introduction of built form, access tracks and amenity landscaping; which will result in a significant change to the landscape at a local level. Given that the site is surrounded by an essentially natural landscape, representative of its type and forms one of the gateways to the county, the Senior Landscape Officer has advised that renders site as one of medium to high sensitivity and furthermore is not convinced that the proposal respects the inherent landscape character or that this can be fully mitigated within the landscape. The proposal introduces domestic residential form and uses at odds with the development pattern. Permanent structures are in the main set deep into the plot and away from and separate from existing built form. Furthermore there would be glimpsed views of the site on the approach from the south-east, which is recognised in the MMNDP and an important view towards Much Marcle (Wider Views 20). This results in harm to the landscape character and amenity of the immediate locality and adversely affects the setting of Much Marcle. The proposal is therefore not considered compliant with policy SS6 and LD1 of the Core Strategy, MMNDP policies SD1 and NE1 and the guidance provided by the NPPF.

Heritage Impacts

- 6.20 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the following:-
- “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”
- 6.21 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141.
- 6.22 The NPPF sets out in paragraph 126 that there should be a positive strategy for the conservation of the historic environment. It is recognised that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance taking into account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
- the desirability of new development making a positive contribution to local character and distinctiveness
- opportunities to draw on the contribution made by the historic environment to the character of a place.

6.23 Paragraphs 131 – 133 sets out what and how LPA's should consider in determining planning applications featuring heritage assets. This includes:

- 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.

6.24 In this case, the main focus is the impact of the proposed development on the immediately adjacent Grade II listed thatched cottage (Playford). Other designated assets (the Conservation Area and other listed buildings) are considered too remote from the site to be materially affected. Expressly, the decision maker must establish what harm, if any is caused to the designated asset and determine whether this is substantial or less than substantial. In this case the Conservation Manager (Heritage) has not identified harm but has rather advised that the proposal is considered acceptable, subject to care and attention to the landscaping proposals. In my view, harm would be caused by this proposal since it would result in the loss of a field which contributes to the rural setting of the cottage and which has retained its original pattern. I consider that this would amount to less than substantial harm and as such it is then necessary to consider this against the public benefits of the proposal (NPPF paragraph 134 rest). This weighting exercise will be undertaken in the Planning Balance below but in this particular case, your Officer attributes greater harm to this proposal than that of the Conservation Manager (Heritage)

6.25 At a local level CS policy LD4 requires new development proposals to protect, conserve, and where possible enhance heritage assets. Having regard to the comments from the Conservation Manager (Heritage), it is considered that subject to appropriate landscaping, the setting of Playford will be preserved. I am not persuaded by this view principally upon the basis of the scale of the proposals and the erosion of the rural setting within which Playford is located. Unusually therefore, I do not consider that the setting would be protected, conserved or enhanced and I therefore consider that there is a conflict with CS policy LD4.

Biodiversity

6.26 Both the Ecologist and Arboriculturalist expressed concerns in respect of the original submission, but following re-consultation upon a revised layout, which sought to retain more of the existing trees on the site, their objections were overcome subject to conditions protecting those trees identified for retention, careful control over the landscaping proposals and the submission of an habitat enhancement scheme linked to the planting proposals. However, it should be stressed that this view was reached prior to a full understanding of the extent of the visibility splay requirements subsequently recommended by the Transportation Manager (following the provision of traffic speed data), and is pending the joint site visit that has been arranged by the Arboriculturalist and Ecologist. Any further comments and/or changes to recommendation will form part of the Schedule of Updates.

6.27 The proposed foul drainage arrangements promote SuDS techniques with a package treatment plant discharging treated effluent to a reed bed which would then be collected in an attenuation pond and pumped off site when necessary. Subject to a condition securing the technical details,

this would accord with the practice that is promoted to ensure that there would be no wider impact upon designated assets in terms of water quality. An assessment under the Habitat Regulations is awaited at the time of writing but upon the assumption that this will find “No Likely Significant Effects”, there are no unmitigated impacts and therefore no conflict with CS policy SD4.

Access and highway safety

- 6.28 Following an initial holding objection, the applicant commissioned and submitted speed survey data. This highlighted recorded speeds of 43 mph in a northwest direction and 45.8 in a south east direction. It is advised that since speeds are higher than 37.2 mph, the highest visibility splay distances are required. The speeds equate to 116.4m and 129m respectively. The provision of the visibility splays would require a large section of hedgerow to be removed to the south, whilst the visibility splay to the north appears to affect land which is not in either highway land or land owned by the applicant. Accordingly, whilst it would be possible to achieve a safe access through compliance with these requirements, there is no certainty as to their delivery and as such I conclude that the impacts of approving the submission as proposed would be severe and therefore contrary to CS policy MT1 and the guidance provided by the NPPF.
- 6.29 It should be noted that securing compliance would have a significant visual impact through the loss of hedgerow that in itself would run contrary to CS policies LD1 and LD2 and MMNDP policy NE2 and NE3 and this associated impact is under consideration at the time of writing.

Residential amenity impacts

- 6.30 In light of its more rural location, it is likely that the additional noise and activity associated with a camp site of the size proposed will have some impact upon the levels of residential amenity currently enjoyed by local nearby residents. In mitigation, it is accepted that a camp site in itself is not an inherently noisy use and the repositioning of the vehicular access, whilst resulting in other environmental impacts, would reduce the level of impact, and the manner in which the site has been laid out, together with the management commitments and emphasis on family and couples as set out in the supporting documentation, lead me to believe that the site can operate without having unacceptable effects upon residential amenity in accordance with CS policy SD1.

Foul and surface water drainage implications

- 6.31 The Council's Land Drainage consultant (Balfour Beatty Living Places) has considered the drainage strategy and agreed the principle of the SuDS system that has been proposed to service the site. There is an identified concern with the intended pumping of water from the attenuation pond on the basis that this may be prone to mechanical failure. Their preference would be to discharge naturally to adjacent ditches which are in the control of neighbouring landowners. This may be an option for the applicant but ultimately there is no objection to the strategy that has been outlined although a condition would be reasonable and necessary in order to finalise the detailed drainage scheme. Having regard to the advice received and subject to a suitably worded condition, it is considered that the requirements of policy SD3 would be satisfied.

Planning Balance and Conclusion

Paragraph 7 of the Framework advises that there are three dimensions to sustainable development; economic; social and environmental. Paragraph 14 of the Framework sets out how this is to be applied in practice, advising that proposals that accord with the development plan should be approved without delay. Policy SS1 of the CS reflects this guidance.

Economically, the construction and fitting out of the proposed camp site would for a short period of time generate some employment. Post completion, in terms of visitor spend the increase in

the number of visitors and spend in the locality has been estimated within the applicant submission and undoubtedly would benefit local businesses and support other facilities and events in the locality and further afield.

Socially, the small amount of economic activity generated by the proposal would be of limited benefit and would make a small contribution to the local economy. The educational aspirations of the proposed use would in a small way offer social benefits in terms of increasing the awareness of a more sustainable lifestyle and promoting social interaction amongst guests.

Environmentally, the proposal would result in users of the proposal being almost totally car dependent to access facilities, attractions and services utilising narrow unlit single width country lanes. This would be at odds with the Government's aims to reduce carbon emissions and promote sustainable development. It would have a detrimental impact upon the local landscape which would be exacerbated by the extent of works required to remove roadside hedgerow in order to meet the visibility requirements requested by the Transportation Manager.

In relation to heritage impacts, the first obligation is to pay special regard to the desirability of preserving the building or its setting. In this case preserving can be taken to mean that no harm is caused. This is not considered to be the case. Applying the NPPF paragraph 134 test, it is considered that there would be less than substantial harm but the scale of this proposal and rural context of the Grade II listed cottage, is such that it is considered to be at the higher end of this spectrum.

The public benefits of facilitating a camp site where there is currently no provision will certainly support the tourism offer available in Hereford and local businesses and the wider County will benefit from the additional spending of staying guests. The concept is a novel one and would offer something different and also encourage longer stays throughout the year which would increase the economic benefits associated with this use. The educational aspects of this proposal are also matters to which weight can be afforded. However, it is considered that the less than substantial harm identified outweighs these benefits

In conclusion the proposal would be sited within the open countryside in an unsustainable location detached from the services and facilities it would support and it is not considered that there is an essential functional need for the proposed dwelling to manage the site. Furthermore, the proposed development would have an urbanising effect on the character and appearance of the site and its surrounding and would have an unacceptable impact upon the rural setting of a Grade II listed building.

Given that the three roles of sustainability are mutually dependent and should not be undertaken in isolation, it is concluded that the proposal would not represent sustainable development and as such, on the basis of the evidence submitted, I conclude that the proposal would conflict with the development plan as a whole as it is contrary to CS policies SS1, SS4, SS6 SS7, RA3, RA4, MT1, E4, LD1, LD4, MMNDP polices SD1 and NE1 and the guidance provided by the NPPF.

RECOMMENDATION

That subject to the consideration of any further comments received from the Council's Arboriculturalist and Ecologist in relation to the required visibility splays, planning permission be refused for the following reasons:

- 1. The proposal taken as a whole would represent unsustainable new development in an open countryside location where there would be full dependency on use of a private vehicle to access services and facilities. As such the proposal is contrary to Herefordshire Local Plan Core Strategy policies SS1, SS4, SS7, RA3, E4 and RA6, Much Marcle Neighbourhood Development Plan policy SD1 and the relevant**

aims and objectives of the National Planning Policy Framework.

2. The proposed temporary dwelling represents unjustified unsustainable residential development within an open countryside location and would be contrary to Herefordshire Core Strategy Policies SS1, SS2, RA1, RA2, RA3 and RA4, Much Marcle Neighbourhood Development Plan policies HO1 and HO4 and the relevant aims and objectives of the National Planning Policy.
3. The proposal taken as a whole, and by reason of its scale and form would have an adverse impact on the character, appearance and amenity of the open countryside through contrary to Herefordshire Local Plan Core Strategy policies SS1, SS6, RA6, and LD1, Much Marcle Neighbourhood Development Plan policy NE1 and the relevant aims and objectives of the National Planning Policy Framework.
4. The proposal by reason of its scale and juxtaposition would be harmful to the setting and appearance of a Grade II listed heritage asset (Playford) contrary to Herefordshire Local Plan Core Strategy policies SS1, SS6, RA6 and LD4 and the relevant aims and objectives of the National Planning Policy Framework.

INFORMATIVE

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

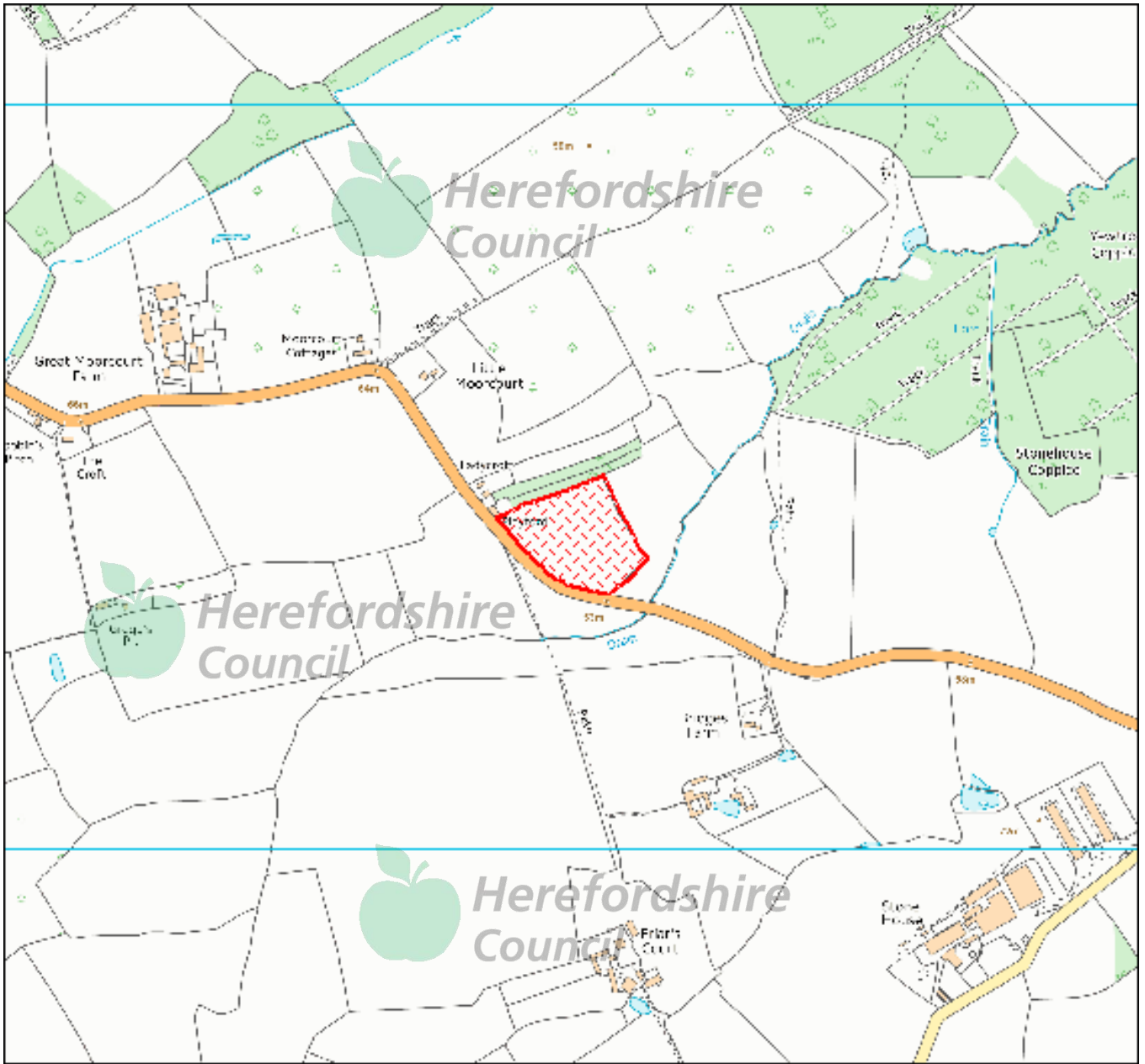
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 180256

SITE ADDRESS : PLAYFORD, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NN

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27 June 2018
TITLE OF REPORT:	173699 - PROPOSED RESIDENTIAL DEVELOPMENT OF 5 DWELLINGS, INCLUDING THE FORMATION OF A VEHICULAR ACCESS, PROVISION OF AN ORCHARD AND COPPICE STRIPS, FOUL DRAINAGE TREATMENT PLANTS AND OTHER ASSOCIATED WORKS AT LAND AT WOONTON, ALMELEY. For: Mr Mills per Mr Geraint Jones, 54 High Street, Kington, Herefordshire, HR5 3BJ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173699&search=173699
Reason Application submitted to Committee - Redirection	

Date Received: 29 September 2017 Ward: Castle Grid Ref: 335144,252079

Expiry Date: 6 April 2018

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 The application relates to a site located to the south west of the settlement of Woonton in north-west Herefordshire. The site comprises a broadly rectangular parcel of agricultural land which totals 0.6 hectares in area, and is denoted on the map below by the red star. The site has a linear frontage onto the highway to the south east of the junction between the C1079 and the U90410 Logaston Road. The residential property known as The Orchards adjoins the site to the north east, separated by a post and wire fence. On the opposite side of the C1079 to the north-west is found a cluster of residential properties centred around an area of Common Land known locally as Poole Common, whilst Woonton Farm lies to the west of the site on the opposite side of Logaston Road. Open agricultural land extends to the east and south. The site is currently laid to pasture, and an established mature hedgerow occupies the roadside boundary to the north-west. Access is gained via a field gate onto Logaston Road.



Figure 1: Site Location Plan



Figure 2: Site Aerial Photograph

- 1.2 The topography of the site is generally flat and level with the adjacent highway. To the south east the site is open in aspect and the land falls away gently, offering long distance views of open countryside towards Burton Hill and Yazor Woods. Public Footpath AM20 is found approximately 70m to the south-east and runs broadly parallel with the site's rear boundary. The landscape character of the site is typical of this area of the county, being categorised in the Herefordshire Landscape Character Assessment (updated 2009) as Principal Timbered Farmlands / Ancient Timbered Sandstone Landscape Types.
- 1.3 Two listed buildings are identified within the setting of the site. The closest of these is Wootton Farmhouse (Grade II), which is found approximately 20m to the north east of the site on the opposite side of Logaston Road. Poole House (Grade II) is found approximately 30m to the north west on the opposite side of the C1079, and fronts onto the open area of common land known as Poole Common. It is currently laid to mown grassland.
- 1.4 The application has been submitted in full and seeks planning permission for the erection of five dwellings. It should be noted that amended plans have been submitted as part of the application process, and the revised site layout plan is included below for reference.



Figure 3 – Proposed Site Layout Plan

- 1.5 The site would be served by a single shared vehicle access onto the U90410 Logaston Road located in a similar position to that of the existing field gate, with the existing roadside hedge along the site frontage being translocated to deliver the required visibility splays. The new access road itself would be 4m in width, and a pedestrian footway is proposed adjacent to the access road extending northwards along the site frontage towards to the village. Parking for the dwellings is provided off a shared courtyard, whilst a garage block to the west of the site provides storage for waste bins and cycles.
- 1.6 The proposal has adopted an approach for the site layout which reflects an agricultural vernacular, with the dwellings being laid out in a courtyard fashion around the shared access road. This approach has also been applied to the dwellings themselves, which are each of an individual design and would be finished in a varied pallet of materials including natural stone, brick, timber weatherboarding for the walls and slate for the roof. A private curtilage is defined for each dwelling, and an area of shared amenity space would be provided adjacent to the site access. A description of each unit is set out below;

Unit 1 – This unit is detached and would provide three bedrooms across a single storey. It would be ‘L’ shaped in plan form with its principal elevation orientated to the south-west, and externally would be finished primarily in timber boarding and slate.

Unit 2 – This unit is detached and would provide four bedrooms across two storeys. The design is redolent of a traditional threshing barn with large areas of glazing at the centre of the front and rear elevations. The dwelling would be finished predominantly in natural stone under slate.

Unit 3 - This unit is detached and would provide three bedrooms across a single storey. It would be ‘L’ shaped in plan form with its principal elevation orientated to the north-west, and externally would be finished primarily in timber boarding and slate.

Unit 4 – This unit would be semi-detached and would provide four bedrooms across two storeys. Its principal elevation would be orientated to the courtyard to the north east, and the building would be finished predominantly in brick under slate.

Unit 5 – This unit would be semi-detached and would provide 3 bedrooms of accommodation. It would be predominantly single storey, although a single bedroom would be provided at first floor level in the southern portion of the dwelling. Externally it would be finished in brick, timber boarding and slate.

- 1.7 With regards to landscaping, to the north east of the site between the neighbouring dwelling, The Orchards, an area of coppice planting is proposed. To the south west, a new native species hedgerow is proposed leading onto an area of new native species orchard. A new boundary would be established to the rear south east boundary of the site, with the plans indicating this would either be native species hedgerow, post and wire fencing, or post and rail fencing.
- 1.8 The dwellings would each be served by a Package Treatment Plant discharging to a soakaway/spreader field. Surface water would be managed through the use of soakaways.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (2015)

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

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Strategy
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure delivery

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 The National Planning Policy Framework

Introduction - Achieving sustainable development
Section 3 - Supporting a prosperous rural economy
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 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 - Conserving and enhancing the natural environment
Section 12 - Conserving and enhancing the historic environment

2.3 Neighbourhood Development Plan

The Almeley Neighbourhood Area was designated on 17th July 2012. A Regulation 14 draft of the plan was published for consultation on 19th February 2018. At this stage the draft Neighbourhood Plan does not carry any weight for the purpose of decision making on planning applications.

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 The site has not been the subject of any previous planning applications.

3.2 However, the following applications in the wider area are considered relevant to the current application

- P174721/F – Proposed erection of five dwellings - Land at Woonton Farm Woonton Herefordshire – Approved subject to conditions 21st March 2018
- P162312/F - Proposed residential development of 6 dwellings, including the demolition of existing agricultural buildings, provision of orchard strip, foul drainage treatment plant and other associated works – Land at The Orchards Woonton Hereford Herefordshire HR3 6QL - Approved subject to conditions 30th September 2016
- P161919/F - Three detached houses with detached double garages – Land at the junction of the A480 and Hopleys Green Road Woonton Herefordshire HR3 6QN - Approved subject to conditions 5th August 2016

4. **Consultation Summary**

Statutory Consultations

4.1 **Natural England** – No Objection subject to conditions

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

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

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

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

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 61 of the Habitats Regulations 2010, as amended.

Foul sewage

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

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence

Internal Council Consultations

4.2 **Transportation Manager** – No objection subject to conditions

First Consultation Response (October 2017);

This application was submitted after pre-application advice where an ATC was advised to establish actual speeds at the site. The applicant has obtained but not provided the data referred to in the design and access statement:

“A recent site approved for planning located to the north had a 7 day ATC survey undertaken, which has shown the average speed (85 percentile) was less than 30mph”

The actual data and location of the ATC are not provided and I have requested this information. Due to the nature of this application the data used by the applicant must be relevant to the actual application in question.

The actual layout of the 2 accesses concerns highways as we prefer to minimise access onto the highway where possible and particularly in this location.

This is again pending confirmation of the location of the ATC and the information's reliability.

I will reserve further comment until more information is received.

Second Consultation Response (June 2018);

The proposal is for 5 units only with an access off the U9410, there are no linked footpaths in the area, the roads are relatively low speed and volume.

The proposal provides a footpath link to the site. This ideally needs to extend to the C1079, not to the boundary of the property as visibility is blocked. There needs to be a 2m verge fronting the whole site with the replanted hedgerow centre line 1m behind the footpath which will enable maintenance and growth not to impact on the footpath. The footpath and verge fronting the site to the NW are highways land and will need to be adopted to highway.

Car parking availability is substantial but not significant as this will enable visitor parking and prevent parking on the adjacent highway network.

In principle there is nothing in the development that would warrant refusal for this small scale development, subject to the imposition of conditions.

Further Comments 15th June 2018.

Visibility splay based on 25mph would be 33m, x dist 2.4m. The provision of the 2m verge / footpath, hedge centre line 1m behind the 2m will achieve the required splay and provide a safe refuge for walking, cycling, equestrian etc.

4.3 **Conservation Manager (Historic Buildings)**

First Consultation Response (November 2017)

The proposal will have a very minor negative impact on the setting of grade II listed Woonton Farmhouse. Part of the setting of this listed building is the open fields to the south-east. These fields are separated from the farmhouse by Logaston Road and partially screened by hedgerows. Only part of this element of Woonton Farmhouse's setting will be affected by the development.

Grade II listed Poole House's setting is affected to a greater extent. The primary setting of this building is that of a detached traditionally built house in a loosely settled hamlet. Although still having the open green to its south-east facing principal elevation, a lesser part of this listed building's setting is the open countryside it faces beyond the green. This less than substantial harm is somewhat mitigated by the low height of the proposed new dwellings, topography and distance from the listed building, however this minor harm to the setting should be given some weight by the planning officer.

Second Consultation Response (March 2018)

The amended plans do not alter our previous comments.

The level of harm to the setting of Woonton Farmhouse is negligible, but the effect on the setting of Poole House would be classed at the lower end of less than substantial harm.

4.4 Conservation Manager (Landscape Officer) – No objections subject to conditions

First consultation response (December 2017)

I have read the pre-application advice provided in respect of development upon the site and note the representations made. Having now seen the plans and read the documentation submitted as part of the application I have the following comments to make:

I concur with the view expressed in the pre-application advice that the principle of development upon the site is acceptable given that there is an existing context of built form immediately adjacent. However as expressed in the aforementioned advice the site and its surroundings does have a degree of sensitivity in landscape terms given its high quality, the rural setting it provides to the historic assets and the scenic views of the wider landscape which can be appreciated from its approach.

Policy LD1 of the Core Strategy sets out the need to demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection as well as incorporating new landscape schemes to ensure the development integrates appropriately into its surroundings. I would recommend the following amendments to the scheme in order to demonstrate compliance with policy LD1:

- In terms of layout I am concerned that what is proposed will represent an unbroken line of built form from the approach along the minor road C1079 and the sense of openness will be lost. This will be exacerbated by the two storey element of the scheme. In my view spacing should be incorporated between units 2 and 4 in order to retain views of the wider open countryside.
- Unit 4 should be reduced in scale and height in order to avoid dominating the scheme as well as adverse visual effects from the PROW AM20.
- In respect of the proposed boundary treatments along the road frontage it may be more appropriate to have low stone walling whilst the remainder should be native hedging. In addition to this along the eastern boundary there should be hedgerow tree planting to filter views of the development from the open countryside. There are a number of small traditional orchards in the vicinity of the site and proposed orchard planting to the south is therefore considered appropriate. However the repetition of planting to the north of the site brings with it a sense of formality perhaps less appropriate in this location, I would therefore recommend the planting of a small wooded copse which is in line with the landscape character type; Principal Timbered Farmlands. The ownership and access of these areas would need to be established.
- A condition in respect of the planting and management of these areas would need to be applied.

Second consultation response (February 2018);

I have seen the revised proposals including the elevations, I am satisfied with the revisions to the layout and heights of the buildings, the retention of the open space at the road junction is welcomed.

My only point is in relation to the rear boundary with open countryside given that there is potential for adverse effects from the nearby PROW the boundary must be delineated by native hedgerow with hedgerow tree planting to filter views of the new built form.

4.5 **Conservation Manager (Ecology) – No Objection subject to conditions**

First consultation response (January 2018);

I note that a single PTP with soakaway is proposed to cover all 5 proposed dwellings. Although acceptable in theory in practice it is strongly advised that each household has their own PTP and soakaway to ensure there are no 'responsibility' issues over allocation of maintenance costs.

Subject to the PTP (either joint or individual) with outfall(s) to appropriate soakaway fields and sustainable management (SuDS) of surface water being part of the approved plans and so subject to implementation I can see NO unmitigated 'Likely Significant Effects' on the relevant SSSI/SAC designated sites.

I note the ecological assessment by Churton Ecology dated September 2017. This appears relevant and appropriate. I would suggest that if Planning Consent is granted that the following Conditions are included.

Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Churton Ecology dated September 2017 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.

Nature Conservation – Enhancement

Prior to commencement of the development, 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, based on the Ecological Report by Churton Ecology dated September 2017 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 bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for hedgehog houses and hedgehog movement 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.

Nature Conservation – Soft Landscape & Green Infrastructure

Prior to commencement of the development, a detailed landscape 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 landscaping plan should include full details of all proposed tree, shrub and hedge planting plus any new or reseeded grass areas. Locally typical, native species with stock of local provenance should be used where practicable. Details supplied should include details of native species mix, stock specification, planting and protection methodology and a 5 year establishment and subsequent 5 year maintenance plan. Elder, Ivy and Dog Rose are not considered as appropriate 'woody' species to be included in the hedge. Hornbeam should normally be used instead of Beech. 'Exotic' species will only be considered where they are appropriate to existing established planting and landscape character (eg historic parkland or in an 'urban' environment). All orchard planting should utilise very vigorous 'standard' rootstocks and be of historic, locally characteristic varieties with relevant Traditional' Standard' Tree spacing, support and protection (Natural England's Technical Information Notes are helpful guidance). As detailed in the Council's Highway Design Guide for New Developments no thorny species should be planted immediately adjacent (allowing for normal growth) to a footway/public footpath/pavement or within 3m of a cycleway.

Second Consultation Response (March 2018);

No additional comments.

4.6 **Land Drainage** – No objections subject to conditions

First Consultation Response (December 2017) – Further information requested (Full responses available to view in full on the Council's Website).

Second Consultation Comments (March 2018);

Overall Comment

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

- Demonstration of the location of the surface water soakaways and which dwellings they are serving;
- Confirmation of the proposed adoption and maintenance agreements for the surface water soakaways;
- A revised foul water drainage strategy which includes individual package treatment plants serving each dwelling. The land on which the package treatment plants and drainage fields are located should be located on land owned by the respective homeowners. The spreaders should be connected to prevent build-up of debris.
- The Applicant should clarify how the proposed road will be drained.

5. Representations

5.1 Almeley Parish Council **objects** to the application;

As is well documented, in 2011 Parishes were informed that they must meet housing targets. In the Almeley community the figure was 33 of which almost half have been achieved already. However we were given the choice of either letting Hereford Council find development sites or create our own NDP policy where the community had a say in where development would take place. We have had a very dedicated team of volunteers who have worked long hours in their spare time to put together a very detailed plan which will be submitted in the next month under section 14. We do understand until then this means it need not be considered but even without an NDP the view of the community is something that should be considered.

5.2 The Parish Council has been committed to a Neighbourhood Development Plan (NDP) since 2012. Through the assessment of public opinion this will establish the development policy which would dictate planning decisions in this parish until 2031. The draft of Almeley Parish Council's NDP is now at an advanced stage and contains parish agreed policies to be considered. Therefore this application cannot be considered in isolation but in the wider context of the NDP criteria being formulated by the community.

5.3 As part of the NDP process a call for land was instigated, asking the Parish landowners to co-operate in the identifying sites suitable for residential development. Among the responses to the call for land was one from a landowner who asked that a redundant farm site at Woonton Farm be considered for the development of 5 dwellings.

5.4 To put application P173699 in context, two planning applications, one for six and the other for three houses, have recently been approved in Woonton. Additionally, the owner of the adjacent Woonton Farm has been in detailed pre-application discussions to redevelop a site consisting of redundant barns and yards, these discussions have involved Heritage England, Hereford Council Planning Department, members of the NDP steering group and the planning consultant, subsequently a detailed application is being submitted for Woonton Farm. Our NDP consultant considers that the site at Woonton Farm would be one of the most suitable from among all the sites that were put forward under the NDP Call for Land process, however, this is based on the current level of development in Woonton. The implication to the community is that if another application, such as this one, is approved in Woonton, then the potential Woonton Farm site could be considered unacceptable as this would exceed by far the 20% development threshold.

5.5 Having gone through the extensive process of an NDP it has been very demoralising to see sites being accepted from people who are jumping in before the NDP is determined against those who are going through the directed process which we have been instructed to follow by HC. We have found sites to not just match our minimum quota but exceed it and also define a settlement boundary for Woonton and we also know the people of Woonton feel that doubling the size of their community in 2 years is not proportional. Therefore from our NDP point of view it is a very clear case of one or the other.

5.6 The NDP is being formulated by the community to protect the parish from inappropriate development and feel that only one of these sites should be approved to prevent Woonton becoming over developed. Application P173699 has been compiled and submitted with no reference to, or negotiation with the NDP process, despite the strong recommendation being given to the applicant in pre-application advice 171294/CE (reference your letter dated 26 July 2107). If approved, this further development would clearly prejudice consideration of the Woonton Farm site which has been reviewed and supported as part of the NDP process and which, it is felt, would be far more sustainable and beneficial to the amenity of Woonton. The application also contravenes Policy RA2 point 1 of the Herefordshire Council's (HC) Core Strategy which states that for smaller settlements such as Woonton, the proposal must demonstrate attention to the character and setting of the site and its location in that settlement.

- 5.7 One of the matters recently considered by the Almeley Parish NDP Working Group has been the question of the form and extent of the settlement boundary for the hamlet of Woonton and its relationship with the surrounding open countryside. Taking into account the outcomes of the public questionnaire in May 2017, the group has now, in consultation with Data Orchard, agreed to recommend that Woonton be given a settlement boundary which encompasses most of the existing buildings at the core of Woonton, the two sites recently approved and Woonton Farm. It does not include the application P173699 site, which is considered open countryside and is classified as Grade 2 - valuable agricultural land. See the attached map showing the proposed boundary (black) and recently approved development sites (red).
- 5.8 Planning applications have recently been approved for the construction of 9 dwellings in Woonton, a small hamlet which, at its core, has 15 houses. If this application for 5 houses is approved, the total number of new houses being added to Woonton would be 14, almost doubling the residences in this hamlet. If the site under consideration at Woonton Farm is also approved, the grand total of new houses in Woonton would be 19, which is over double the current number of houses. If this application was to be approved it would lead to a totally unacceptable situation which would be in clear breach of policies RA1 and RA2. The two sites already approved together with the proposed development at Woonton Farm would more than fulfill the criteria for proportional growth in this small hamlet. Anything more would fail that test and completely undermine the emerging Almeley Parish Neighbourhood Development Plan which is now at the final draft stage and is expected to be submitted for Regulation 14 and commence its formal consultation stage in the near future.
- 5.9 The proposal, as submitted, introduces two new traffic accesses at the junction of the C1079, which is the main route from the A480 to Almeley with the lane to Logaston at a 90° bend in the road. This is the principal route used by residents of Woonton to access the local services in Almeley Village and by Almeley residents travelling to and from the main commercial centres for the area, namely Hereford and Leominster. The number of journeys for both groups is likely to increase with additional housing, leading to a greater volume of traffic. Most visitors to Almeley, both private and commercial, use this route, as do buses, school traffic and agricultural vehicles. Those who use this road know that this junction already has to be approached from the west with caution.
- 5.10 The proposed site sits directly opposite and to the south of a registered common, Pool Common, which is shortly to be purchased by Almeley Parish Council as a public open space. Pool Common currently has uninterrupted spectacular views of Ladylift and Yazor Woods, round towards Merbach Hill and away to The Black Mountains, and is one of the few locations in Woonton accessible to the public where far-reaching views can be enjoyed. The proposed development would completely obstruct that view and in so doing, would diminish the value to the public of the Common.
- 5.11 In summary, Almeley Parish Council (Neighbourhood Development Plan Working Party) objects to this application for the following reasons.
1. The applicant did not follow the NDP procedure, as advised by the planning office. If the application is approved, it undermines the emerging NDP.
 2. If approved, application P173699 would have wider implications on the NDP selection of land for development and it could set a precedent for ribbon development along Logaston Lane.
 3. The site for application PI 73699 which is Grade 2 agricultural land, it is currently farmland and is classified as open countryside not in the settlement of Woonton. The proposed site is outside the settlement boundary that has been proposed for Woonton under the emerging NDP The National Planning Policy Framework (NPPF) issued by the government states in section 11 that planning policies and decisions should encourage the effective use of land by re-using land previously developed. This has been incorporated into HC's Core Strategy

Policy RA2, which states that housing proposals will be permitted when their locations make best and full use of suitable brownfield sites.

4. The two new proposed access points in application PI 7369 are in close proximity to and actually straddle the Logaston Lane junction with the C1079. This does not satisfy the requirement as stated in Core Strategy Policy MT1 which has a requirement that the local highway network can absorb the traffic impacts without adversely affecting the safe and efficient flow of traffic.
5. Construction of dwellings on the site proposed in PI 73699 would diminish the amenity of Pool Common by obscuring views to The Black Mountains.
6. Approval of this application would be likely to lead to the loss from the NDP site allocation of one of its recommended sites in order to comply with its stated objective of meeting, but not greatly exceeding, the housing allocation target set by Herefordshire Council.

- 5.12 As a community our understanding was when we took on this process that we would be supported by HC to make our own choices on development in our own community All we ask is we see some evidence of that support and allow us to provide our views rather than watching our work being side-lined by the other applications outside the emerging development line before you decide to give your full support to any development.

The NDP group therefore advises the APC to recommend the rejection of this application.

(Response of NDP Steering Group 14 November 2017)

In response to the second round of consultation, the Parish Council did not offer any further comments and reiterated that their initial objection still applied.

- 5.13 In the first round of public consultation **12 Letters of Objection** were received. The contents of these can be summarised as follows;

- The proposal site has not come through or followed the Neighbourhood Plan process.
- The site is not allocated for development in the draft Neighbourhood Plan
- In combination with existing permissions in Woonton the scheme would not constitute 'proportionate growth' of the settlement as required by RA2. The character of the village would be irrevocably altered as a result.
- There is already permission for 9 houses in Woonton, with another application for a further 5 being considered in addition to this site (*174721/F – Approved 21st March 2018*)
- The scheme is not in keeping with character of the village and would lead to landscape harm.
- The scheme would lead to harm to the setting of and loss of views from Grade II listed Pool Cottage
- The scheme would erode the openness of Pool Common and would impede landscape views of Yazor Hill, Tin Hill and Hay Bluff from Pool Common
- The scheme would result in the loss of Grade II Agricultural land
- Woonton lacks services and facilities and is not a 'village'.
- Almeley is a better focus for development as it has services such as a school, shop and pub.
- Future occupants of the houses will be reliant on the use of a car to access services, facilities and employment.
- There are brownfield site available which are more appropriate for housing development.
- The proposal for two entrances in close proximity to a sharp bend and either side of a busy junction between the C1079 and Logaston Road would be harmful to highways safety and contrary to MT1.
- The scheme will increase vehicle movements through the village.
- The road to Almeley is unsafe for pedestrians and cyclists.

- The scheme would have an adverse impact on neighbouring properties through loss of privacy and light.
- The scheme would be visually prominent from the nearby public footpath.
- The scheme will increase surface water run-off and will lead to drainage issues.
- The scheme would lead to the loss of hedgerows and would harm biodiversity contrary to LD2 and LD3.
- The layout and appearance of the scheme is not in keeping and would 'suburbanise' the village.
- The Neighbourhood Plan questionnaire showed that the majority of residents did not support linear development away from the 'core' of the village.
- The Planning system should support the Parish Council in the production of their Neighbourhood Plan

5.14 Following the submission of amended plans and additional supporting information, a second round of consultation was conducted. A **further 2 letters of objections** were received, 1 of which was from someone who has previously submitted representation as part of the first consultation. The content of these representations can be summarised as follows;

- The proposal site has not come through or followed the Neighbourhood Plan process.
- The scheme would have a detrimental impact upon the setting of Pool House, Pool Cottage and Woonton Farm.
- Views of the wider landscape from the village will be obstructed.
- The site is not an infill site.
- The removal and relocation of hedgerows should not be permitted.
- The scheme's frontage would not be in keeping with the character of the village.
- The height of Unit 2 would impede landscape views from Pool Common.
- The proposed orchard and copse planting will impede landscape views from Pool Common.
- There are highways safety and drainage concerns which have not been addressed.
- The scheme will have a detrimental impact upon the setting of the listed Pool Cottage, which forms part of the Black and White Trail.
- The landscape harm will be detrimental to local tourism.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173699&search=173699

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

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

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Almeley Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 19th February 2018. Given its early stage of progression however, the draft NDP does not attract any weight for decision making purposes.

- 6.3 A range of CS policies are relevant to development of this nature, and these are outlined in full at Section 2.1. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that that the Council is not able to demonstrate a 5 year supply of housing land. The most recent annual monitoring report outlines that as of 1st April 2017, the supply position in Herefordshire stands at 4.54 years. Therefore, in accordance with Paragraph 49 of the NPPF, policies relevant to the supply of housing must be regarded as being 'out-of-date' and the presumption in favour of sustainable development as set out at Paragraph 14 is engaged.
- 6.5 The above notwithstanding, for the purposes of decision making the CS policies relevant to the supply of housing are not considered to be irrelevant and they may still be afforded some weight. Indeed, recent case law (Suffolk Coast DC v Hopkins Homes [2016 – EWVA Civ 168]) reinforced that it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded. For the avoidance of doubt, Inspectors have determined that CS policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.
- 6.6 Strategic policy SS2 of the CS makes an overall provision for the delivery of a minimum of 16,500 new homes in Herefordshire between 2011 and 2031 to meet market and affordable housing needs. The policy confirms that Hereford is to be the main focus for new housing development in the county, providing 6,500 new homes over the plan period. This is followed by the five market towns in the tier below which are to provide 4,700 new homes. In the county's rural settlements, a minimum of 5,300 new homes will be delivered. In these areas new housing 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'. This accords with Paragraph 55 the NPPF, which advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.7 Core Strategy policy RA1 explains that the minimum requirement for 5,300 new homes will be distributed across seven Housing Market Areas (HMAs). Woonton lies within the Kington HMA, which has an indicative growth target of 12% (equivalent to delivering 317 new homes across the plan period). For the parish of Almeley, this equates to a minimum of 33 new dwellings.
- 6.8 Policy RA2 identifies the rural settlements which are to be the main focus for proportionate housing development in the rural areas (Fig. 4.14) and the other settlements where proportionate housing is considered appropriate (Fig. 4.15). In these locations, housing growth will serve to bolster service provision, improve facilities and infrastructure, and meet the needs of the communities concerned. The policy states that residential development proposals should be located within or adjacent to the main built up area of the settlement. The policy also sets the expectation that, where appropriate, settlement boundaries or reasonable alternatives for the the identified settlements will be defined by either Neighbourhood Development Plans or Rural Areas Sites Allocations DPD.
- 6.9 In this case, the parish of Almeley has recently published a draft NDP for Regulation 14 consultation. Given this early stage of progression the draft NDP cannot be afforded any weight for the purposes of decision making, and the determining policy for housing proposals in the parish is therefore CS policy RA2. Where the site is found to be within or adjacent to the main built-up form of the settlement, RA2 then requires that proposals should reflect its size, role and function, and, where possible, be on brownfield land. In relation to the smaller settlements

identified at Fig 4.15, proposals will also be expected to pay particular attention to the form, layout, character and setting of the site and its location in that settlement.

- 6.10 Like many of the smaller settlements identified in Fig, 4.15, Woonton is a relatively low density settlement which has limited local services. Whilst it does not have a nucleated core in a traditional sense, it does have a recognisable centre which is broadly focused around the meeting points of the A480 and the C1079, with further built development extending off this alongside the C1079 to the south west towards Almeley. The site in this case is located to the south west of the settlement alongside the C1079, and residential properties are found immediately to the north east of the site and on the opposite side of the highway to the north west. On this basis, the site is considered to be 'within or adjacent' to the main built up form of Woonton and in a locational sense the principle of new residential development can be supported by RA2.
- 6.11 The principle of development on the site being established as acceptable, it falls to consider the detailed proposal against the relevant policies of the CS and other material considerations to establish whether there are any adverse impacts associated with the proposed scheme which would outweigh the benefits. This would be towards establishing if the scheme is representative of sustainable development, for which there is a positive presumption enshrined in the NPPF and CS. The key matters requiring consideration are set out below.

Impact on Heritage Assets

- 6.12 The application site in this case is identified as being within the setting of two Grade II listed properties, namely Woonton Farm and Poole House. Accordingly, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of relevance when considering the application. This places a duty upon the Local Planning Authority when considering development which affects a listed building or its setting to 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.
- 6.13 In this respect, the advice set out at paragraph 132 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset and advises that significance can be lost or harmed through alteration or destruction of the asset or development within its setting. It also makes it clear that the more important the asset, the greater the weight given to its conservation should be. Similar principles are found in Core Strategy Policy LD4, which states that development proposals affecting heritage assets and the wider historic environment should protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.14 Paragraph 133 of the NPPF is clear that 'where a development will lead to substantial harm or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.
- 6.15 Paragraph 134 relates to development that would lead to 'less than substantial' harm of heritage assets, and has been confirmed through case law as being a restrictive policy. It states that when such harm is identified, this should be weighed against the public benefits of the proposal. The test is different in effect to paragraph 133, and it does not follow that the identification of harm should automatically direct the decision taker to refuse planning permission.
- 6.16 In this case the designated heritage assets potentially affected by the proposal are Woonton Farmhouse and Poole House, both of which are listed at Grade II. Woonton Farmhouse is found approximately 20m to the north east of the site on the opposite side of Logaston Road. Poole House is found approximately 30m to the north west on the opposite side of the C1079,

and fronts onto the open area of grassland of Pool Common. The photos below show both of these assets in context:



Figure 6: Grade II listed Woonton Farmhouse viewed from the east off Logaston Road



Figure 7: Grade II listed Poole House viewed from the south east off the C1079

6.17 Considering first Woonton Farmhouse, this forms part of a cluster of agricultural related development occupying a corner plot at the junction of the C1079 and Logaston Road. The

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

immediate setting of the building is read as being the associated farm complex, however in a wider context the open fields to the south east (upon which the proposal site is located) also contribute to its edge of village setting. The separation of the farmhouse and the proposal site by Logaston Road, other built form and vegetation however is such that it is not considered that this setting would be fundamentally or detrimentally altered as result of the proposed development. The most recent advice received from the Council's Historic Buildings Officer confirms that the potential for harm to the setting of the listed building is negligible.

- 6.18 With regards to Poole House, this building is primarily experienced from the C1079 when travelling between Woonton and Almeley and occupies a more prominent position within the settlement than the farmhouse. Its setting is largely characterised by its orientation onto Poole Common, which creates an open feel to the fore of the dwelling in a manner which is redolent of a traditional village green. The views to the countryside beyond this to the south east also contribute further to this sense of openness and reinforce the dwelling's rural setting at the edge of the village. It is therefore considered that the proposal would lead to a degree of harm by introducing new built form within the vistas which form part of Poole House's setting and reducing this sense of openness. However, it is also considered that this harm would be mitigated to an extent by the distance of the site from the listed building and the relatively low height of the proposed dwellings. The amended site layout would also ensure that opportunities for views of open countryside through the site from Poole House remain. It is therefore considered that the harm to the setting of the listed building would be less than substantial, with the advice of the Council's Historic Buildings Officer confirming that this harm would lie at the lower end of the less than substantial spectrum.
- 6.19 It is therefore concluded that the impacts of the scheme upon designated heritage assets will be less than substantial, and towards the lower end of this range. In accordance with paragraph 134 of the Framework, the identified harm should be weighed against the public benefits of the development.

Quantum and Mix of Development

- 6.20 CS policy RA2 identifies Woonton at Fig. 4.15 as an 'other' settlement where proportionate housing growth is considered to be appropriate. In this case the proposal is for five dwellings, and it is noted that representations from the Parish Council and local residents have disputed whether a development of this size constitutes proportionate growth when considered in combination with existing commitments in the settlement.
- 6.21 The parish of Almeley is identified as having a minimum growth target of 33 new dwellings across the plan period. In the most recent Monitoring Report (April 2017), it was identified that there had been 7 completions within the parish since 2011 with a further 10 commitments in place. A further 16 dwellings are therefore required to meet the parish's housing needs. Whilst it is acknowledged that a further 5 dwellings have recently been granted consent in Woonton (174721/F), there is still a residual requirement for at least 9 dwellings to be provided within the parish. The current scheme would contribute to meeting this shortfall, and when considered in the context of Woonton specifically it is considered that the scheme would constitute proportional growth as defined by policy RA2. Whilst the number of dwellings in combination with existing approvals may appear substantial in a purely numerical sense, the scheme has been designed with regards to the layout and form of Woonton to ensure that its character as a small rural hamlet is maintained. This is discussed in more detail in the following paragraphs.
- 6.22 Policy RA2 also requires that schemes respond to local needs in terms of the size, type, tenure and range of housing that is proposed. This is reflected by policy H3, which requires that residential developments should provide a range and mix of housing units which contribute to the creation of balanced and inclusive communities. Within the Kington HMA, it has been identified that the greatest need in terms of open market dwellings is for 3 bedroom properties (56%), followed by 4+ bedrooms (19.9%) and 2 bedroom (19.5%) (Local Housing Requirement

Study, 2012). The scheme in this case proposes three x 3 bedroom units and two x 4 bedroom units. This is broadly in line with the greatest areas of need as outlined above, and therefore it is considered that the proposal would accord with RA2 and H3 in this respect.

Design, Character and Visual Amenity

- 6.23 In relation to smaller identified settlements such as Woonton, CS policy RA2 requires that proposals pay particular attention to the form, layout, character and setting of the site and its location in that settlement. Further design advice is set out by CS policy SD1, which requires that new development proposals create safe, sustainable, well integrated environments for all members of the community by ensuring that proposals make efficient use of the land, are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding developments. This is in accord with the principles set out in the NPPF with regards to requiring good design.
- 6.24 The settlement of Woonton is charactered by relatively loose knit development which extends outwards from a centre focused around the junction of the A480 and the C1079, and is made up of combination of residential properties, converted farmsteads and smallholdings. Buildings are of varying ages and styles, and as a whole it is not considered that the village has a strongly prevailing architectural typology or character. In the context of the immediate site, this is adjoined immediately to the north east by a modern two storey red brick dwelling whilst older traditional properties are found to the north west on the opposite side of the highway.
- 6.25 The proposal scheme in this case takes direction from vernacular agricultural buildings and farmsteads which are abundant in this area of the county. The layout plan shows the dwellings to be laid out in a courtyard style around a shared access, which is considered to be appropriate to the site's rural setting and ensures the scheme is not unduly suburban in character. Each unit is also of a unique design, and a range of styles, heights and forms have been utilised which are again reflective of the agricultural vernacular and would ensure the development is not overly uniform in appearance. In terms of scale and massing, the dwellings are again varied in this sense but as a whole would be commensurate with existing development in the surrounding area. The pallette of external materials, to include natural stone, timber boarding, brickwork and slate, are also acceptable in principle and full details will secured through condition.
- 6.26 Given the design approach which has been adopted, it is considered appropriate to attach a condition removing permitted development rights to ensure that future alterations and additions can be controlled and the distinctive character of the scheme maintained.
- 6.27 Overall, it is considered that the design of the scheme is appropriate to the locality and that the development would serve to maintain local distinctiveness whilst making a positive contribution to the architectural diversity of the settlement. No conflict with SD1 in terms of the layout, scale and design of the proposal is hence detected.

Landscape, Streetscene and ~ Visual Amenity Impacts

- 6.28 In considering the impact of the scheme on the character and appearance of the landscape CS policy LD1 is of relevance. This requires that the character of the landscape and townscape has positively influenced, inter alia, the design, scale and site selection and that scheme incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. In a similar vein, CS policy LD3 also requires that new development should protect, manage and plan for the preservation of existing and delivery of new green infrastructure where possible.
- 6.29 It is evident in this case that the proposed development will constitute a change to the character of the site as well as the character and setting of the adjacent Poole Common, which is highlighted in the representations received as being a valued feature of the settlement.

However, whilst the scheme will reduce the openness of the area to an extent it is also considered that it would not significantly detract from its 'edge of village' character and would reinforce the role of Poole Common as a focal point and gateway to the settlement. The native hedgerow frontage of the site is maintained (albeit through translocation), and the amended scheme has also responded to the comments of the Council's Landscape Officer by increasing the spacing between the units at the centre of the site around the proposed access road. This will not only reduce the visual impacts of the new built form by reducing its mass in the streetscene but also, in combination with the low height of the proposed garage block, will allow for views to be gained off Poole Common through the site and to the open countryside beyond. The proposed street scene plan is included below;

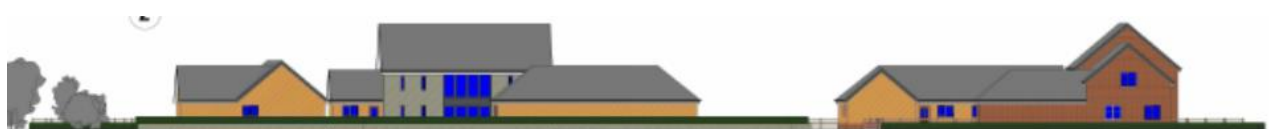


Figure 4: Proposed streetscene plan



Figure 5: Proposed 3D site view

- 6.30 Additional coppice and orchard planting is also proposed to the north east and south west end of the site respectively. To the north east this planting will serve as a visual buffer between the site and neighbouring dwelling at The Orchards, whilst to the south west the new orchard planting will serve to break up the built form of the development and soften its appearance when approaching the settlement from the south on Logaston Road. It is noted that a number of options are indicated for the boundary treatment to the rear of the site, including post and wire fencing or native hedging. The Landscape Officer however indicates that a native species hedgerow is required here in order to mitigate the visual impact of the scheme when viewed from the nearby public footpath and in longer distance vistas. This view is shared by the Case Officer, and an appropriate boundary treatment will be secured through a standard landscaping scheme and associated maintenance plan condition.
- 6.31 Overall, the Council's Landscape Officer is satisfied that the scale, layout and external materials for the built form as well as the proposed boundary and additional planting treatments are appropriate within the landscape setting and consequently no objections to the scheme are offered. Whilst a degree of landscape harm is identified, Officers are satisfied that the adverse effects would not be significant as a result of the design approach taken and the mitigation offered. No conflict with CS policies LD1 and LD3 is hence identified.

Residential Amenity

- 6.32 Policy SD1 requires that development proposals safeguard residential amenity for existing and proposed residents. This accords with the Core Planning Principles set out by the NPPF with regards to securing good standards of amenity for all existing and future occupants of land and buildings. In this case the proposed site layout is of a relatively low density, and the degree of separation from existing dwellings is sufficient to ensure that no adverse amenity impacts would occur in terms of overlooking, overshadowing or overbearing. The design and layout of the

scheme itself also does not give rise to any concerns in these terms for future occupiers of the proposed dwellings. Adequate areas of private external amenity space are provided to serve each property, and further shared areas would be available off the courtyard to the fore of the site. No conflict with SD1 or the NPPF is therefore identified with regards to safeguarding residential amenity.

Highways Matters

- 6.33 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the principles outlined in section 4 of the NPPF, in particular Paragraph 32 which advises that decisions should take account of whether safe and suitable access to the site for all can be achieved and that development should only be refused on transport grounds where the cumulative impacts of the development are severe.
- 6.34 The scheme as originally submitted raised a number of concerns in terms of highways safety, principally with regards to the proposal for two access points on either side of the junction between the C1079 and Logaston Road and the absence of a seven day ATC speed survey of the adjacent highway to confirm traffic speeds and inform the requisite visibility splays. The Transportation Manager was consequently not supportive of the scheme initially and further information and design revisions were requested.
- 6.35 An ATC speed and traffic count survey was undertaken at both of the originally proposed access points, which led to revisions to the scheme in favour of a single point of access to the south of the site onto Logaston Road. The survey results confirmed the 85th percentile traffic speeds at this location to be 24.2mph southbound and 23.8mph northbound. The Council's Transportation Manager advises that these speeds would necessitate visibility splays of 2.4m x 33m to be provided in each direction based upon the standards of MfS2 and the Council's Highways Design Guide, and the amended plans confirm that the achievable visibility would exceed these requirements following the translocation of the existing hedgerow along the site frontage. The Transportation Manager consequently offers no objections subject to conditions.
- 6.36 In terms of pedestrian connectivity, the revised access arrangements also include the provision of a small length of footpath from the site onto Logaston Road towards its junction with the C1079. The Transportation Manager has requested that this footpath is extended along the highways land forming the site frontage to provide a greater area of refuge for pedestrians to walk towards to the bus stop at the centre of Woonton to the north east. This is considered reasonable and justified, and will be secured by condition.
- 6.37 The internal layout of the site provides adequate parking for each of the dwellings in a shared courtyard style arrangement. Adequate manoeuvring space is also available to ensure vehicles, including larger service vehicles, are able to enter and leave the site in a forward gear.
- 6.38 In conclusion, Officers are satisfied that the amended scheme would ensure safe access arrangements are provided and that the proposal can be accommodated by the existing road network. On this basis, the proposal is considered to be pursuant to Core Strategy Policy MT1 and the NPPF.

Ecology/Biodiversity

- 6.39 The proposal site is currently grassland with an established mature hedgerow occupying the roadside boundary. The application is supported by an Ecological Report, which includes consideration of the impacts and a subsequent method statement for translocation of the roadside hedgerow. The Council's Planning Ecologist has considered the information submitted and confirms the report is appropriate to ensure compliance with relevant policies of the CS (LD2 and LD3) subject to the relevant protection, mitigation measures and working methods being secured by condition.
- 6.40 CS policy LD2 and Paragraph 109 of the NPPF also require that the planning system should deliver net gains to biodiversity where possible. Accordingly, a condition is recommended requiring that a scheme of ecological enhancement measures is submitted to the LPA for written approval prior to the commencement of the development. Further enhancement of biodiversity and green infrastructure will be delivered through the proposed orchard and coppice planting at either end of the site, which will again ensure compliance with CS policies LD2 and LD3.
- 6.41 The scheme proposes the use of individual package treatment plants to serve each dwelling with outfall discharging to a spreader field. The Planning Ecologist confirms that subject to these measures being secured by condition he is satisfied the proposal would have no 'Likely Significant Effects' on relevant SSSI/ SAC designated sites in the wider area.

Drainage

- 6.42 To manage foul water the scheme proposes the use of individual package treatment plants with outfall discharging to a spreader field / soakaway system. In the absence of a mains sewer proximal to the site, this is considered to be an acceptable solution which would accord with the hierarchical approach set out in CS policy SD4. Surface water from the development will be managed through the use of soakaways. This is an acceptable method in principle which would accord with CS policy SD3. Infiltration tests have been conducted at the site to ascertain the suitability of ground conditions, and the results confirm that this method of disposal is viable. The Council's Land Drainage consultants have reviewed the proposed arrangements and confirm they have no objections subject to full details being secured through planning conditions.

Planning balance & conclusion

- 6.43 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 development should be approved where they accord with the development plan. The application in this case is for housing and in the light of the housing land supply deficit must be considered in accordance with the tests set out by paragraph 14 and SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted.
- 6.44 Woonton is identified by the Core Strategy as a sustainable settlement where there is a presumption in favour of proportionate housing growth. In the absence of a NDP which has reached a stage of progression where it may be afforded weight, the village does not have a defined settlement boundary and hence the application has been considered against the locational tests set out in CS policy RA2. The site in this case is considered to be within or adjacent to the settlement, being contiguous with the main built up form of the village. The site is therefore considered to be sustainable in locational terms.

- 6.45 Matters with regards to the potential impact of the proposal upon the setting of designated heritage assets have been carefully considered. This has led to the identification of a degree of harm upon the setting of the Grade II listed Poole Cottage which lies to the north west of the site. The advice received from the Council's Historic Buildings Officer confirms that this harm would be less than substantial, and within this spectrum the harm would be at the lower end of the less than substantial. In accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal.
- 6.46 Whilst a number of permissions have been achieved recently in the settlement, the parish as a whole has not reached its minimum growth target of providing 33 new dwellings over the plan period and the scheme would contribute to meeting this shortfall. The proposal has also been designed in a manner which has shown due regard to the form, layout and character of the site's setting and would consequently ensure the development would be read as being proportionate to the settlement as a whole. The principle of the development is supported by CS policy RA2.
- 6.47 The identified shortfall in deliverable housing sites represents a material consideration which affords significant weight in favour of the scheme. The scheme would boost the supply of housing within the parish, and this would have consequent social benefits in terms of enhancing and maintaining the vitality and social cohesion of the rural community. In the economic dimension, the scheme would introduce investment in jobs and construction to the area, and would support businesses and services in the surrounding area by increasing customer base. The scheme also offers benefits in the environmental sphere in terms of biodiversity and green infrastructure enhancement through the proposed orchard planting, landscaping measures and ecological enhancement scheme. Public benefits are hence identified within the three dimensions that constitute sustainable development, as set out in paragraph 7 of the NPPF, and these benefits are considered to outweigh the modest harm which has been identified to nearby heritage assets.
- 6.48 Initial concerns with regards to highways safety have been addressed through the completion of additional survey work and revisions to the scheme. The amended plans demonstrate that safe access can be provided which would be in accordance with MfS2 and the Council's Highways Design Guide. The Council's Transportation Manager has confirmed that the scheme is acceptable subject to the imposition of conditions.
- 6.49 All other matters have been considered, and there are no issues identified of such material weight that would suggest the scheme would not constitute a sustainable form of development. The proposal would accord with the relevant policies of the NPPF and the CS, and the application hence benefits from the positive presumption set out in SS1 and at paragraph 14. The application is therefore recommended for approval subject to the conditions below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

- 1. C01 - Time limit for commencement (full permission)**
- 2. C08 - Development in accordance with approved plans (as amended)**
- 3. C13 - Samples of external materials (to include full details of doors and windows)**
- 4. C65 - Removal of permitted development rights**
- 5. C96 - Landscaping Scheme**

6. C97 - Landscaping scheme implementation
7. C99 – Tree Planting
8. CA1 – Landscape Management Plan
9. CAP - Off site works (footway provision within highways land)
10. CAB - Visibility Splays – 2.4m (X distance) x 33m (Y distance)
11. CAC - Visibility over frontage (2 metres)
12. CAE - Vehicular access construction
13. CAH - Driveway gradient
14. CAL – Access, turning area and parking
15. CAZ – Parking for site operatives
16. Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Churton Ecology dated September 2017 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

17. Nature Conservation – Enhancement

Prior to commencement of the development, 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

18. CCK - Details of slab levels
19. CBK – Restriction of hours during construction
20. CBM – Scheme of foul drainage disposal
21. CBO – Scheme of surface water drainage disposal
22. No access gates/doors shall be installed on the shared access hereby approved without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. I05 - No drainage to discharge to highway**
- 3. I08 – Section 278 agreement**
- 4. I09 – Private apparatus within highway**
- 5. I11 – Mud on highway**
- 6. The habitat enhancement plan, based on the Ecological Report by Churton Ecology dated September 2017 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 bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for hedgehog houses and hedgehog movement 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.**
- 7. The landscaping plan should include full details of all proposed tree, shrub and hedge planting plus any new or reseeded grass areas. Locally typical, native species with stock of local provenance should be used where practicable. Details supplied should include details of native species mix, stock specification, planting and protection methodology and a 5 year establishment and subsequent 5 year maintenance plan. Elder, Ivy and Dog Rose are not considered as appropriate ‘woody’ species to be included in the hedge. Hornbeam should normally be used instead of Beech. ‘Exotic’ species will only be considered where they are appropriate to existing established planting and landscape character (eg historic parkland or in an ‘urban’ environment). All orchard planting should utilise very vigorous ‘standard’ rootstocks and be of historic, locally characteristic varieties with relevant Traditional’ Standard’ Tree spacing, support and protection (Natural England’s Technical Information Notes are helpful guidance). As detailed in the Council’s Highway Design Guide for New Developments no thorny species should be planted immediately adjacent (allowing for normal growth) to a footway/public footpath/pavement or within 3m of a cycleway.**
- 8. I33 – Wildlife General**
- 9. I35 – Highways Design Guide and Specification**

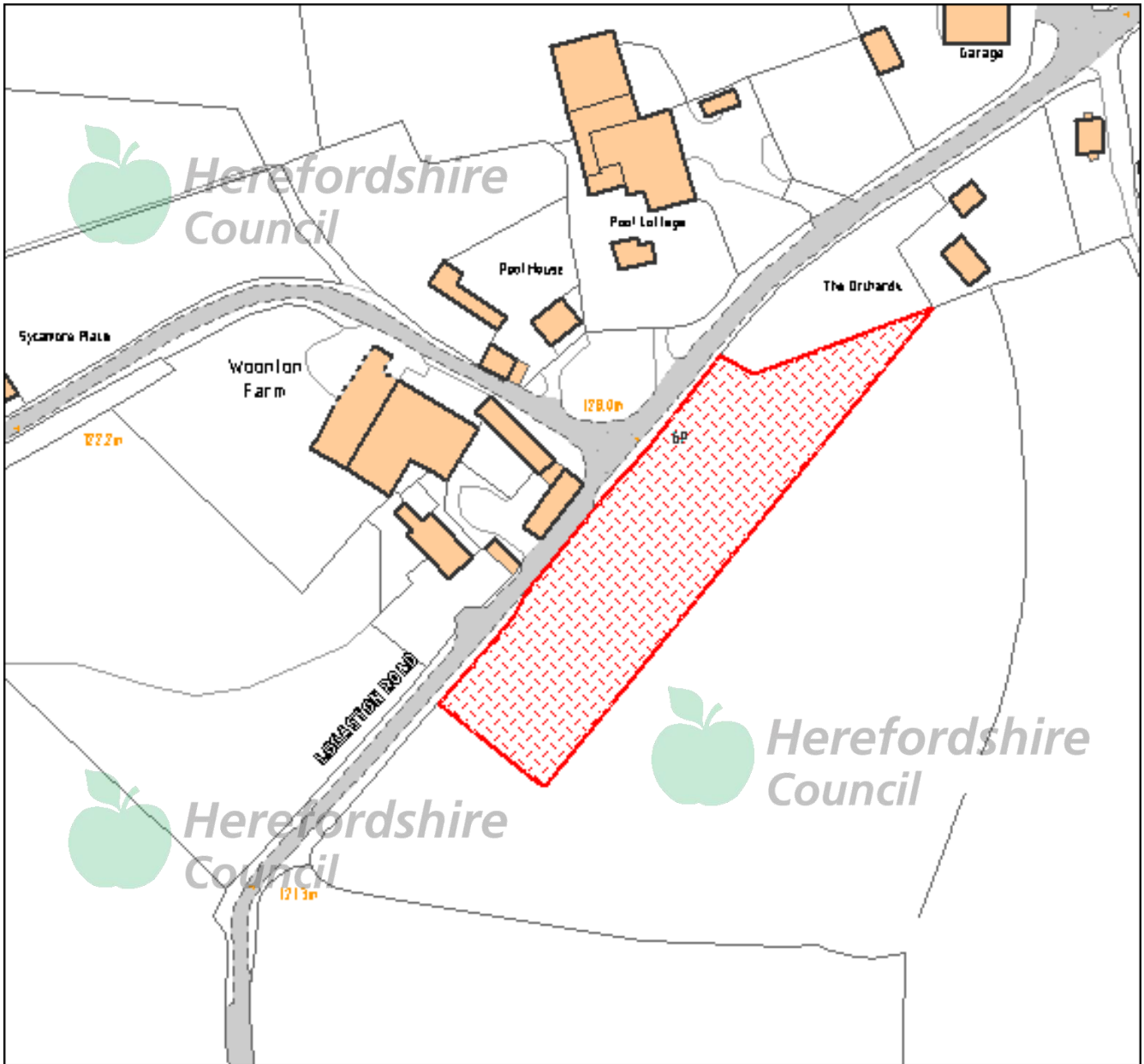
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 173699

SITE ADDRESS : LAND AT WOONTON, WOONTON, ALMELEY, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27 June 2018
TITLE OF REPORT:	181353 - PROPOSED LINK SINGLE STOREY EXTENSION TO THE DWELLING AND DETACHED SINGLE STOREY GARAGE AND STORE AT THE OLD CHAPEL, TILLINGTON, HEREFORD, HR4 8LW For: Mr Crockett per Mrs Angela Tyler, 39 Grandison Rise, Hereford, Herefordshire, HR1 1PP
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181353&search=181353
Reason Application submitted to Committee - Family Connection to Cllr.	

Date Received: 11 April 2018

Ward: Queenswood

Grid Ref: 345640,245984

Expiry Date: 6 June 2018

Local Member: Councillor PE Crockett (Councillor WLS Bowen is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The application site comprises a detached dwelling that was a conversion of a former Methodist chapel approved in 2005. The application site is located between Tillington and Tillington Common approximately 5km north west of Hereford.
- 1.2 The existing building accommodates a living / kitchen room, with bedroom over, shower room and utility. The footprint of the existing building is 6.3m x 8.2m (this includes the single storey extension that was approved as part of the original approval).
- 1.3 The application seeks permission to allow for the erection of a linked single storey extension to the dwelling and also the erection of a detached single storey garage and workshop.
- 1.4 The proposed single storey extension to the property would be 11.6m by 5m, eaves height of 2.2m and ridge height of 4m.
- 1.5 The proposal also includes a detached garage and workshop that would have a footprint of 6.2m by 6.3m with an eaves height of 1.9m and ridge height of 4m.

2. Policies**2.1 Herefordshire Local Plan – Core Strategy:**

SS6	-	Environmental quality and local distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
LD1	-	Landscape and Townscape

 Further information on the subject of this report is available from Abigail Molyneux on 01432 260246

LD4 - Historic Environment and Heritage Assets

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

2.2 National Planning Policy Framework (NPPF)

- Introduction - Achieving Sustainable Development
- Section 7 - Requiring Good Design
- Section 11 - Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

2.3 The Burghill Neighbourhood Development Plan (NDP)

The Burghill Neighbourhood Development Plan is at Regulation 16 Stage, the NDP was resubmitted on 09 May 2018. The consultation runs from 10 May 2018 to 21 June 2018.

At this time no weight can be given to the policies contained within the NDP, however the following policies are considered relevant and are material considerations:

- Policy B8 - Design of Development in Burghill Parish.
- Policy B9 - Protecting and where possible enhancing local landscape character

https://www.herefordshire.gov.uk/downloads/file/14121/neighbourhood_development_plan_april_2016

3. Planning History

- 3.1 Planning Application Reference DCC052464/F was approved on 23 August 2005 to allow the conversion and extension of redundant chapel to form a residential property.
- 3.2 Planning Application Reference S111396/FH was refused on 13 September 2011, which sought approval for a proposed extension to the dwelling and the erection of garage and store.
- 3.3 172420/F Single storey dwelling. Approved 4 October 2017 – adjacent site

4. Representations

4.1 Burghill Parish Council

Burghill Parish Council discussed planning application 181353 at their Parish Council meeting on Tuesday 8th May; there are no objections to this application.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181353&search=181353

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>

5. Officer's Appraisal

Further information on the subject of this report is available from Abigail Molyneux on 01432 260246

- 5.1 The application seeks permission to allow for the erection of a linked single storey extension to the dwelling and also the erection of a detached single storey garage and workshop.
- 5.2 The proposed single storey extension to the property would be 11.6m by 5m, eaves height of 2.2m and ridge height of 4m. The proposal also includes a detached garage and workshop that would have a footprint of 6.2m by 6.3m, eaves height of 1.9m and ridge height of 4m.
- 5.3 The Old Chapel is a former Methodist chapel located on the main road through Tillington built in 1857.
- 5.4 The building is of red brick construction, with typical semi-circular arched entrance door, flanked by two semi-circular arched windows, on the western gable; the southern elevation has two large arched windows, and the roof is slate covered.
- 5.5 The northern elevation has a previously added single storey, lean-to extension which, given its location, is considered to have a neutral impact on the chapel.
- 5.6 Although not statutorily listed, the chapel is considered to be a non-designated heritage asset in planning terms and as such NPPF paragraph 135 applies which states:
- ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.*
- 5.7 Chapter 7 of the NPPF states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.8 Policy LD1 seeks to see proposals that will conserve and enhance the landscape and townscape.
- 5.9 Policy SS6 requires that development proposals contribute to the county’s distinctiveness, in particular its heritage assets.
- 5.10 Policy SD1 requires that development proposals should be designed to maintain local distinctiveness and also ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored.
- 5.11 Policy LD4 directs that proposals should protect, conserve and where possible enhance heritage assets and their settings through appropriate design, in particular emphasising the building’s original form and function.
- 5.12 Policy B8 of the Burghill NDP seeks for new development within Burghill Parish to make a positive contribution to the distinctive character of the area and for the development to be of good design and quality.
- 5.13 Policy B9 of the NDP seeks for development proposals to preserve and where possible enhance the character of the village and surrounding scattered rural settlements and farmsteads. Schemes will be expected to conserve and protect the integrity and fabric of historic buildings and their settings, through the use of appropriate styles and sustainable locally distinctive materials.
- 5.14 It is considered the proposed extension and detached garage are of an appropriate height, scale and mass which respects the host building and ensures the extension appears suitably subordinate. The proposed developments will be set back from and below the level of the host

Further information on the subject of this report is available from Abigail Molyneux on 01432 260246

building ensuring that it remains the dominant feature within the site and that they will not detract from the historic character of the building.

- 5.15 The proposed extension and garage will be discreetly sited to the rear and side of the building. The site sits lower than the adjacent road and therefore it is considered the developments would be largely screened from the public realm by the site levels and by the mature hedgerows at the property's boundary.
- 5.16 The proposed extension and garage will be constructed with a slate roof and wood cladding on the walls. It is considered the proposed differing materials for the external walls and the matching roof materials are acceptable. The materials allow for the differentiation of the new elements from the original building.
- 5.17 The site sits within an isolated location set apart from other residential areas, for this reason, it is considered the proposed development will not have any adverse impact on residential amenity by means of overlooking, overshadowing or overbearing. The proposal is therefore pursuant to SD1 in this regard.
- 5.18 In summary, it is considered that the proposed extension and detached garage/workshop would not unduly impact on the character of the building as one which is considered a non designated heritage asset. One of the building's predominant characteristics is its simple and traditional form and the proposed extension and garage have been designed not to have an adverse impact upon the building and are also of a sympathetic scale and design. It is considered that on balance the proposed developments would not have an adverse impact upon this form.
- 5.19 On the basis of the above, it is considered the proposal is acceptable and complies with national and local planning policy and approval is recommended.

RECOMMENDATION

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

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**

INFORMATIVE:

- 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.**

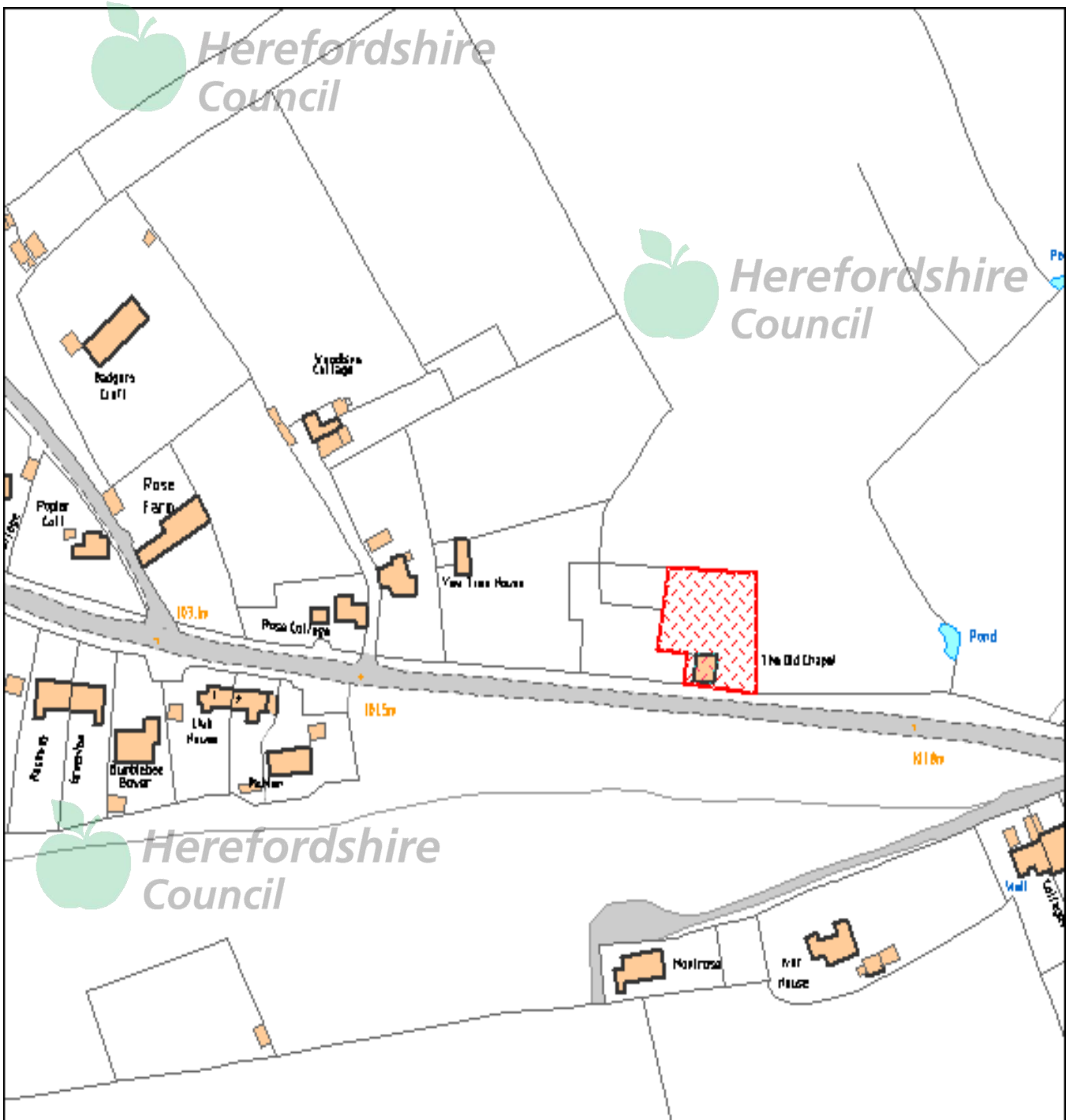
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181353

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