

Agenda

Planning and regulatory committee

Date: **Wednesday 25 July 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- **Councillor J Hardwick**
Chairperson

Councillor BA Baker
Councillor CR Butler
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor TM James
Councillor MD Lloyd-Hayes
Councillor FM Norman
Councillor AJW Powers
Councillor A Seldon
Councillor WC Skelton
Councillor SD Williams
(1 vacancy)

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 27 June 2018.</p>	9 - 26
5.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p>180256 - PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN</p> <p>Proposed camp site and temporary dwelling. (This is an amended application that is a resubmission of application no. 172848 refused 6 October 2017.)</p>	27 - 46
7.	<p>181089 - LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD.</p> <p>Proposed construction of a SUDS drainage pond and associated works including the construction of a maintenance access roadway.</p>	47 - 54
8.	<p>174451/174452 - FORMER COACH HOUSE AND LAND AT WILCROFT, BARTESTREE, HEREFORDSHIRE, HR1 4BB</p> <p>Proposed change of use and conversion of former coach house to form a 2 bedroom dwelling together with provision of turning and parking facilities and private amenity area at former coach house.</p>	55 - 72
9.	<p>180889 - LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB</p> <p>Proposed erection of 2 detached dwellings with detached garages</p>	73 - 82

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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 (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	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
1 vacancy	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.



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 27 June 2018 at 10.00 am

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

Councillors: BA Baker, PJ Edwards, DW Greenow, KS Guthrie, JA Hyde, TM James, MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, WC Skelton and SD Williams

In attendance: Councillors WLS Bowen, H Bramer, BA Durkin and D Summers

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler and EL Holton.

2. NAMED SUBSTITUTES

Councillor JA Hyde substituted for Councillor CR Butler.

3. DECLARATIONS OF INTEREST

Agenda item 8: 173699 – Land at Woonton, Almeley

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

Agenda item 9: 181353 – The Old Chapel , Tillington

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

4. MINUTES

RESOLVED: That the minutes of the meetings held on 11 April 2018 and 15 May 2018 be approved as a correct record and signed by the Chairman.

5. CHAIRPERSON'S ANNOUNCEMENTS

None.

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.)

The Development Manager (DM) 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 drew the Committee's attention to the submission of two videos, in addition to the written submission included in the update, showing the brook by the application site in flood with standing water on parts of the site. He added that the comments of the drainage consultant had been omitted from the report but were summarised in the update. The consultant had no objections subject to conditions. The site was not in a flood risk zone. Policy LD4 had been omitted from the list of policies at paragraph 2.1 of the report but the policy implications were fully considered within the appraisal. A correction was required to paragraph 6.49 of the report in that the restrictive policies in footnote 9 of paragraph 14 of the National Planning Policy Framework were applicable given the setting of the listed asset. This meant that the tilted balance in favour of development did not strictly apply. It was within the Committee's remit to give weight to the harm caused by the proposal balancing that against any public benefits of the application.

In accordance with the criteria for public speaking there was provision for Aston Ingham Parish Council to speak on the proposal. As no member of the Parish Council was able to attend the meeting, a statement, which had previously been circulated to members of the Committee, was read out on their behalf by the local ward member. The Parish Council opposed the scheme. Mr P Tufnell, a consultant acting on behalf of a number of local residents spoke in objection to the application. Miss J Wormald, the applicant's agent, spoke in support.

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

He commented that Aston Ingham was a beautiful village. The application should be refused because the application site was adjacent to the church and detrimental to this heritage asset. In addition the site was situated in a crook between a pond and a stream. Video evidence had been supplied of the site being flooded.

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

- It was noted that Historic England had no objection to the proposal but the Conservation Manager (Historic Buildings Officer) (CMHBO) did object.
The DM commented that there was a difference of opinion as to the significance of the harm the development would cause. He reiterated that in conducting the planning balance the Committee needed to weigh the harm against the scheme's benefits.
- Several members expressed the view that the development would be detrimental to the village. The CMHBO had provided a thorough assessment of the proposal in his response. Their conclusion was that the harm to heritage assets did outweigh any benefits of the scheme and the application should be refused.
- A contrary view was that Heritage England had no objection and the site would provide much needed housing.
- Concerns were expressed about the risk of flooding, and disposal of foul sewage through package treatment plants, including a request for clarity about their maintenance.

The DM commented that the drainage consultant had no objection subject to the conditions which included reference to agreeing a maintenance regime. In terms of the application of a sequential test, the site was in flood zone 1 and at the lowest risk

of flooding according to the Environment Agency's assessment. He therefore cautioned against giving weight to this aspect.

- The undeveloped site had a natural beauty that should be preserved.
- It was suggested that the progress being made in achieving the indicative minimum housing growth target in the parish itself was reasonable. The failure to achieve a five year housing land supply for the county as a whole was attributable to the lack of progress in developing the strategic housing sites. This overall shortfall should not mean that unsuitable development in smaller areas of the county such as Aston Ingham should be permitted.
- The DM clarified that without a cross-section it was difficult to assess the slab levels but on the evidence available there would be a differential of between 340-820 mm in the height of the floor level above existing ground levels.
- The Lead Development Manager added that the Committee had to weigh their concern about the impact on the heritage asset against the shortage of housing. An Inspector would base their assessment of an appeal on the fact that the council did not have a five year housing land supply. The council had previously sought to advance the argument that housing provision in a particular area was on track to meet the need identified in the Core Strategy for 2031 but legal advice was that sub-division of the county in calculating the housing land supply was not permissible.

The local ward member was given the opportunity to close the debate. He commented that the Parish had not been resistant to housing development. There were other sites in the village where development would be preferable. The current proposal would cause harm.

Councillor Greenow proposed and Councillor Guthrie's seconded a motion that the application be refused on the grounds that it would cause significant harm to a heritage asset and fundamentally change the character of an area and was therefore contrary to policies LD1, LD4 and SS6 of the Core Strategy. The motion was carried with 12 votes in favour, 1 against and no abstentions.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies LD1, LD4, and SS6 and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons.

7. 180256 - PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN

(Proposed camp site and temporary dwelling. An amended application, a resubmission of application 172848 refused under delegated powers 6 October 2017.)

The Development Manager (DM) 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, Mrs R Rennick the applicant spoke in support of the application.

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

He made the following principal comments:

- There was considerable local support for the application.

- The proposal was to create an eco-focused sustainable tourism site. It was not a simple camping site. It was consistent with the three dimensions to sustainable development in the National Planning Policy Framework: economic, social and environmental.
- An independent assessment provided with the application confirmed that the proposal was financially sustainable and the report indicated at paragraph 6.12 that officers accepted this point.
- It was consistent with policies RA6 and E4.
- It was in keeping with provisions with paragraphs 84 and 85 of the consultation draft for a revised National Policy Planning Framework. Whilst carrying no planning weight at the moment this was indicative of government thinking.
- The Neighbourhood Development Plan (NDP) supported rural enterprise. The report suggested the development was contrary to policy SD1 of the NDP. However, the introduction to the NDP was supportive of sustainable development in the countryside.
- Those residing on the site would face a road safety environment, for example in relation to crossing the A449, no different to that with which current residents had to cope.
- People using such sites would not be unwilling to walk or cycle less than a mile that would bring them to the centre of the village.
- The provision of overnight stays would boost economic development in the locality and further afield.

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

- The environmental impact had to be balanced against the economic impact. The scheme had the potential to be economically sustainable and of value to the county.
- The proposal had the support of the majority of the local community.
- The proposal represented sustainable development supporting the rural economy and tourism and the environment.
- It was unsurprising that a development of this nature was outside the settlement boundary.
- Moving the proposed access meant that there would be a minimal effect on the listed building in the vicinity.
- The strength of the parish council's opposition was questioned.
- The proposal would have an adverse impact on a grade 2 listed cottage, abutting its hedgerow.
- A considerable length of hedgerow would have to be removed to create a safe access.
- The principle of the scheme was sound but it was in the wrong place.
- The Lead Development Manager commented that consideration needed to be given to the impact on the listed building, the access (noting that part of the visibility splay was outside the applicant's control), and the location, which would entail limited car use. If approval were granted conditions should be attached in relation to the occupancy of the temporary dwelling.
- The DM confirmed that a limited bus service ran to Much Marcle. It was noted that the bus stop was half a mile from the site.

- Clarification was sought on the nature of the proposed three-bedroomed temporary dwelling and whether this was necessary and appropriate.

The DM clarified that the proposed dwelling would not be mobile and/or meet the definition of a caravan. It would be a highly insulated log cabin type of dwelling. There was a question mark over applying a temporary condition to such a dwelling.

In the light of uncertainty about the temporary dwelling and the access in particular, it was proposed that consideration of the application should be deferred for further consideration.

The local ward member was given the opportunity to close the debate. He commented that he did not consider that the proposal would have an adverse effect on a much loved view out from Much Marcle. The Parish Council had originally supported a proposal that had involved caravans but were now opposed. The topography would hide some of the buildings. Rural enterprise was to be encouraged in line with government intentions. The site also had educational benefits.

Councillor Seldon proposed and Councillor Lloyd-Hayes seconded a motion that the application be deferred pending receipt of further information. The motion was carried with 13 votes in favour, none against and no abstentions.

RESOLVED: That consideration of the application be deferred pending receipt of further information.

(The meeting adjourned between 11.58 and 12.22)

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.)

(Councillor WC Skelton had left the meeting and was not present during consideration of this application. Councillor Norman also left the meeting.)

The 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 B Hall of Almeley Parish Council spoke in opposition to the Scheme. Sue Powell, a local resident, spoke in objection. Mr G Jones, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, there was the provision for the local ward member to speak on the application. Councillor Skelton had had to leave the meeting. Councillor Baker read a statement that he had been intending to deliver.

The statement contained the following principal comments:

- Woonton was a small hamlet in the Almeley parish with 15 built residencies and 14 permissions recently granted. Whilst noting the absence of a five year housing land supply it was questioned what would represent proportionate growth.
- There was strong local feeling against the application which had been developed without any reference to the neighbourhood development plan (NDP) working group

or consultation with the community. This was contrary to the National Planning Policy Framework (NPPF).

- The report stated that the Almeley NDP did not carry any weight for the purpose of decision making. The NDP began regulation 16 consultation on June 27 2018. Following local consultation the NDP had identified the proposed development sites in Almeley Parish and the application site was not one of them. In a matter of a few months the application would be refused as contrary to policy.
- The view that no weight could be given to the NDP had been challenged. There were also some concerns about the drainage issues. A deferral was requested to permit these matters to be reviewed.
- If the Committee was not minded to defer the matter the application could be refused on the grounds that it was contrary to a number of policies in the core strategy: HA2 and LD1.

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

- The Lead Development Manager (LDM) clarified that the NDP commenced its Regulation 16 consultation on 27 June 2018. It was a material consideration but had no weight in the planning balance.

With reference to housing approvals already granted in Woonton and what constituted proportionate growth, he also confirmed that the core strategy's indicative minimum requirement for homes was calculated in relation to Almeley Parish as a whole.

- In response to a question of the five year housing land supply the LDM confirmed that the calculation was produced annually and the supply as at April 2017 had been 4.54 years. Information was being collated to produce the April 2018 calculation.

A request was made that the presentation of this information in reports to the Committee should be clarified and made consistent.

- The location was appropriate for development and in keeping with the locality. Five dwellings would not have a significant impact and would represent proportionate growth. The scheme was in the right position, of low density and of good design.
- The Drainage Manager had no objection and it should be feasible to accommodate 5 additional properties.
- In response to a request for further assurance on the disposal of waste water the Planning Officer (PO) commented that tests had been undertaken and the Drainage Manager was content that foul and surface water could be disposed of adequately. In terms of groundwater quality Natural England had no objection to the proposal. The Conservation Manager (ecology) also had no objection.
- It was asked if steps to be taken to ensure that the entrance and turning head could be designed to prevent further development. The PO commented that the access had been designed to support the five dwellings. The constraints of the site and the character of the landscape militated against further development.
- The loss of grade 2 agricultural land was to be regretted and the NPPF referred to safeguarding such land.
- Several members indicated that they could not identify grounds for refusal.

The LDM commented that the scheme was low density, of good design and used appropriate materials. Whilst not of weight at its current stage once approved the Almeley NDP would be of benefit in determining any further applications for development.

Councillor Greenow proposed and Councillor Lloyd-Hayes seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, none against and 2 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. **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 of 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

9. 181353 - THE OLD CHAPEL, TILLINGTON, HEREFORD, HR4 8LW

(Proposed link single storey extension to the dwelling and detached single storey garage and store.)

(Councillors Greenow, James, Norman and Powers and had left the meeting and were not present during consideration of this application.)

The Planning Officer gave a presentation on the application.

Councillor WLS Bowen fulfilled the role of local ward member and in accordance with the council's constitution, spoke on the application.

He outlined the proposal noting that there were no objections to the application and that it complied with policy.

Councillor Edwards proposed and Councillor Williams seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 9 votes in favour, none 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:

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.

2.

10. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.22 pm

Chairman

PLANNING COMMITTEE

Date: 27 June 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

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,

For: Mr Edwards per Miss Jane Wormald, 2 Pitt Cottages, Huntsman Lane, Raglan, Usk, Monmouthshire, NP15 2BE

ADDITIONAL REPRESENTATIONS

A further representation together with a video clip has been received from Mr Pettit (resident of Church Cottage), which is set out below:

A number of issues have come to light which I think need attention prior to the hearing.

The first concerns a number of videos submitted by local residents to refute the applicant's view that the land in this application does not flood. We have submitted a number of videos but these two videos taken in 2014 clearly refute this claim. However I am aware that videos are not made available on the Authority's Planning web pages. I am not suggesting this is an attempt to hide information rather than the technical issues which applies to all such videos on this website. However if the councillors sitting on this committee only access information via these web pages they will not be aware of their existence.

This is particularly relevant as the councillors are visiting the site on Tuesday when the grass and weeds have been allowed to grow out of control and the stream is nothing but a trickle. The videos portray a different and relevant scenario when the flow of water could actually be life threatening to young and old potential residents

Could I be assured that these two videos are circulated to the committee members so they are aware of the flooding issues. I am aware they cannot be shown on the day of the hearing but I do feel they are relevant and should be available.

The two videos were recorded in 2014. They clearly show the flood both in the adjacent residents' gardens but more significantly on the lane and the land proposed for development. Please note these floods are totally unaffected by the small wall as the water flows through the saturated land and under the wall rather than over the wall (as claimed by the applicant).

The second issue focuses on the pre-app advice provided by the Authority to the applicant, both for the original application and for this current application. My understanding of both Freedom of Information and Data Protection reveal that both documents should be public and made available on request. As both are extremely pertinent to the application, failure to produce these reduces the abilities of the committee to make a fair decision i.e. with both sides having access to all of the relevant information.

Finally I have been in touch with Historic England. I am making you aware of this as again the evidence used in the Planning Officer's report could be invalidated. Basically I have sent to Historic England Herefordshire's own Building Conservation Officer's report and the report from an expert on planning involving historic assets. Both clearly object to the development but the Planning Officer prefers the single report from Historic England. I wrote to Historic England asking how their officer can support this development when the reports objecting to

the development, above, are applying the criteria established by Historic England in their guidance on “The Setting of Heritage Assets”. I am waiting for a response but asked them to urgently review their decision to support to this development.

OFFICER COMMENTS

Paragraph 1.5 comments on additional documents that accompanied the original submission. This should also include a topographical survey and Tree Survey with arboricultural constraints.

For the avoidance of any doubt, in addition to the No Objection set out at paragraph 4.5 (Land Drainage), below is the concluding summary of those comments, which followed from further clarification:

In principle, we do not object to these proposals, however the following information should be provided as part of suitably worded planning conditions:

- A detailed surface water drainage strategy clarifying the size of the rainwater harvesting storage tanks;*
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;*
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.*

Paragraph 6.49 should read:

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.

Footnote 9 restrictive policies are applicable given the setting of the listed asset.

NO CHANGE TO RECOMMENDATION

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

For: Mr And Mrs Rennick per Mr Christopher Knock, Tinkers Grove Cottage, Eastnor, Ledbury, Herefordshire HR8 1RQ

ADDITIONAL REPRESENTATIONS

An additional representation has been received from an **objector**, who comments –

The landscape, biodiversity and historic heritage context of the application site, its long-recorded cultural and land management history, and appropriate weight given to Core Strategy and NDP policies demand that this application should be refused. In addition, the following material considerations support refusal:

Right development in the right place? Contrary to the Committee Report (para 6.1.3), there is a campsite facility in the village - the recreation ground at Watery Lane, used as an occasional camping/caravan site, is closer to the village centre and local facilities and could be developed on a permanent basis without the adverse impacts of the proposal on land adjacent to Playford. There are other permanent camping/caravan facilities in close proximity (e.g. Haywood Farm at Swagwater Lane HR9 7EB, which is <7 miles away).

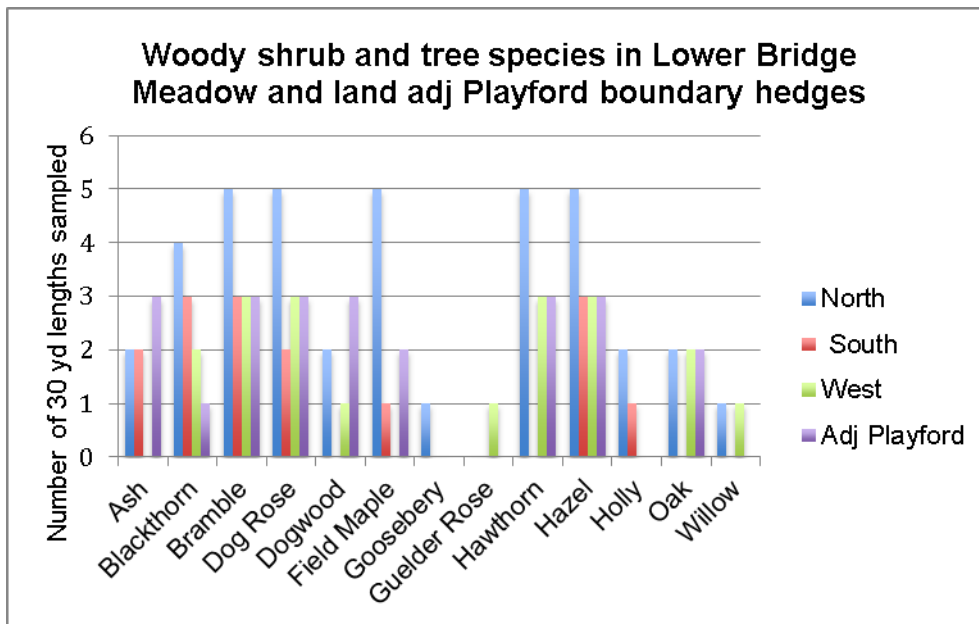
Proven need for this rural business proposal in this location? During the last 25 years there has been no event when the camping/caravan sites at Watery Lane, Rye Meadows and land adjacent to Walwyn Court not been able to meet demand (e.g. the Steam Rally and Model Aircraft Show). All of these sites are close to the village centre and local facilities.

Evidence of sustained functional need for a temporary dwelling? Page 12 of the 'Application and Steps to Date' supporting document cites personal circumstances as justification for a temporary dwelling and the business proposal as an adjunct to the dwelling (rather than vice versa) to "generate a modest but sustainable income". The refusal of an appeal at Stanford Bishop (P162809/F) for 40 holiday caravans and a 'managerial lodge' provides precedent in this case.

Proposal of "high quality, sustainable design" and "carefully sited" in context of Core Strategy Policy RA4? The plans submitted show that the proposed temporary dwelling and ancillary buildings are not of a "high quality, sustainable design"; nor are they "carefully sited" in relation to the Grade 2 listed cottage at Playford. There is no coherent relationship with the existing settlement pattern represented by buildings at Ladycroft and Playford, nor with the predominant built form of Much Marcle which is linear and set back from, but in close proximity to the roadside.

Highways/Landscape impact & roadside hedgerow? The Committee Report (para 6.28) states "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". Whereas The Protected Species Survey Report (May 2017) asserts "The Western hedge that runs alongside the road appears to be fairly recent"... (Page 5, para 5.2). Evidence to support this conclusion is weak and there is strong evidence to the contrary:

- Documentary evidence shows the boundary and line of the B4024 Dymock Road are unchanged since the 1797 Inclosure map and the 1839 Tithe map;
- Hedge bank and ditch are continuous along the entire length of this hedge;
- Dog's mercury, lords and ladies, and wild daffodils within the bottom of the hedge are indicators of longevity and assert from former ancient woodland;
- Average number of woody shrub and tree species along this length of hedge is 7.3 (from 3 x 30 yard samples), which by applying Hooper's rule (Pollard et al 1974), could potentially age this hedge at 840 years old and comparable in age and biodiversity value to the northern hedge of Lower Bridge Meadow (Local Wildlife Site SO63/21) on the opposite side of the B4024 Dymock Road – see comparative table below.



Contrary to the conclusions of the Protected Species Report (May 2017), the hedge that runs along the B4024 meets the important hedgerow criteria (Page 15 of the report) Nos 5, 7, 8 (i), (ii), (iv), (v), (vi), and (vii).

The highways visibility splay required to achieve what's required to approve this application would necessitate the removal of the entirety of a species-rich hedgerow that has been demonstrably unchanged since the 1797 Inclosure map and in all probability for a long period before that date.

Conclusion. This proposal is space hungry, traffic-generating, energy inefficient sprawl, which pays no respect to local character, cultural history and landscape setting. It is contrary to the 1947 Act origins of the Town and Country Planning system – this is 'plotlands' re-visited and should be refused on that basis.

Following a further visit to the site to assess the impact of providing the recommended visibility splays, The Ecologist comments as follows:

There are no tree issues – only a small, scrubby ash in the hedgerow.

However, the amount of hedge would require translocating/replanting is extensive and I would be concerned about the biodiversity impact of its removal, however, temporary for bats commuting and as habitat nesting birds. In a quick inspection of the woody species in the hedge, I believe the hedgerow would constitute a species rich, potentially an Important Hedgerow.

In addition, the removal of hedge which is out of the applicant's ownership I suggest is a significant factor.

OFFICER COMMENTS

The comments are noted. The Officer Report sets out a broadly similar position in general to the objectors' concerns, which are recognised. Refusal is recommended on landscape, environmental and sustainability grounds along with non-compliance with the Much Marcle Neighbourhood Plan which has significant weight. The lack of justification for the dwelling is also set out within the Report. Furthermore on the basis of the required visibility splays, which would necessitate extensive hedgerow removal as the objector and Ecologist states, the required visibility splays cannot be implemented.

CHANGE TO RECOMMENDATION

Refusal is recommended as set out within the recommendation section of the Report together with an additional reason for refusal:

The extent of the loss of hedgerow required to provide for the necessary visibility splays at the proposed site entrance would be harmful to the biodiversity value of the site and surrounding area, contrary to policy LD2 of the Herefordshire Local Plan Core Strategy, Policy NE2 of the Much Marcle Neighbourhood Development Plan and the guidance provided by the National Planning Policy Framework

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, WOONTON, ALMELEY,

For: Mr Mills per Mr Geraint Jones, 54 High Street, Kington, Herefordshire, HR5 3BJ

ADDITIONAL REPRESENTATIONS / COMMENTS

Comments from Parish Council (via Cllr Phillips)

The support for the application seems to be based on the fact that the NDP is only at 14 – we have now submitted at 15 and therefore likely to be at 16 by next week – would this discrepancy be worth pointing out to the planning officer and councillors involved as I would not like to see them going into the meeting with the wrong information – especially as it has such an influence.

*Additional representations has been received from **two objectors**. The content of these can be summarised as follows;*

- Woonton is not a village and lacks services and facilities
- The Officer report incorrectly states Woonton Farm is to the north east of the site. It is actually to the west.
- The development would lead to the loss of visual amenity and views for residents and road users on the C1079.
- The loss of hedgerows would be harmful to biodiversity and contrary to LD2 and LD3.
- The inclusion of a pedestrian footway would suburbanise the character of the hamlet.
- The NDP group has chosen to support the Woonton Farm site for housing. It does not support this site.
- The lack of interest in other approved sites by developers suggests there is no need for new housing in Woonton
- There is an issue with a high water table in the settlement which makes development difficult.
- The harm to listed buildings cannot be mitigated by any means.

- The proposal would harm the character of the landscape and settlement and will reduce the sense of openness in this part of the village.
- There will be no means to prevent the future planting of trees or hedges in the future, which will block views further.
- The proposal is not proportionate growth.
- The proposal would result in increased noise and would disturb the ambience of the area.
- The report has not addressed the loss of agricultural land.
- The sub-soil and ground conditions in Woonton means drainage is near impossible
- The submitted drainage statement is not adequate.
- The Council will be liable for any future failures of the drainage systems and the damage this causes.

OFFICER COMMENTS

The draft Almeley Neighbourhood Development Plan (NDP) has been submitted to Herefordshire Council and will commence its Regulation 16 consultation on the 27th June 2018. In accordance with the principles set out by Paragraph 216 of the NPPF and a number of legal judgements (notably the Hurstpierpoint case), an emerging NDP can only be considered to hold material weight when it has concluded its Regulation 16 consultation period and any responses received have been considered. The Almeley NDP is therefore still considered to hold no material weight at this stage and as such there would be no changes to the recommendation.

The additional comments received from local objectors are noted. The matters raised with regards to proportionate growth and the potential for impact upon heritage assets, landscape and townscape character, visual amenity, biodiversity and green infrastructure however are considered to have already been addressed in detail in the Officer's Report. The additional comments received do not change the outcome of the appraisal.

In relation to the additional comments concerning drainage, this matter is considered in section 6.42 of the Officers Report. For the avoidance of doubt however, infiltration tests have been undertaken at the site and soakaway design calculations have been provided in support of the application. The Council's Land Drainage Team have reviewed these and confirm they have No Objection in principle to the proposed means of foul and surface water management subject to the following details being addressed through condition;

- *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*

Paragraph 1.3 of the Officer's report should read;

Two listed buildings are identified within the setting of the site. The closest of these is Woonton Farmhouse (Grade II), which is found approximately 20m to the west 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.

Paragraph 6.16 of the Officer's Report should read;

In this case the designated heritage assets potentially affected by the proposal are Woonton
Schedule of Committee Updates

Farmhouse and Poole House, both of which are listed at Grade II. Woonton Farmhouse is found approximately 20m to the west of the site on the opposite side of Logaston Road.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 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

Update

This application was deferred by the Planning and Regulatory Committee at its meeting on 27 June 2018 for the following reasons:

- To seek clarification as to the specification of the proposed temporary dwelling
- To enable Officers to clarify the extent of the required visibility splay and whether this could be achieved on land within the applicant`s control and/or highway.

In response to these matters, the applicant has provided additional information and updated plans identifying the extent of the hedgerow removal (with a recommendation for translocation). These revised plans have been the subject of re-consultation with the Transportation Manager and Conservation Manager (Ecology) and their respective comments where available at the time of writing are set out in summary within this Update section and in full within the Consultation Summary below.

In relation to the temporary dwelling, the applicant has confirmed that the main accommodation will be in the form of a twin unit caravan (20 metres by 6.8metres) with an internal ceiling height of 3.05 metres or less (2.5 metres as proposed). These comply with the amended definition of a caravan as set out in the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) (Definition of Caravan)(Amendment) Order 2006. The twin unit complies with the maximum floor area dimensions and would be delivered in two sections that are bolted together on site. In the context of the Planning Committee`s deliberations, it would constitute a caravan that

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

could be readily removed and as such a temporary permission would be a reasonable and enforceable approach to controlling its long term siting.

However, in addition to the twin unit caravan, the proposal includes a veranda which would be constructed on site and attached to it. This affords the twin unit a degree of permanence that in legal terms exceeds the definition of a caravan. The applicant has advised that the veranda is an important feature in respect of their passive heating aspirations. This element of the accommodation requires very careful consideration since although it could be relatively easily dismantled, it would constitute operational development, and could result in legal complications. Officers would not generally recommend the use of temporary permissions in relation to more permanent structures.

Turning to the visibility splay and loss of hedgerow the applicant has provided a revised plan that avoids third party land. The plan shows that visibility of 103 metres to the edge of the carriageway and 130 metres to the centre line of the highway to the north and 123 metres to the edge of the carriageway and 133 metres to the centre line of the highway to the south can be achieved. Accordingly the visibility to the south can be achieved by the removal of approximately 370 metres of species rich established hedgerow. Visibility to the north does not meet the desired distance to the edge of the highway. The Transportation Manager has been re-consulted in respect of the revised proposal and in particular whether the distance to the centre of the highway is an acceptable compromise in relation to the northern visibility splay.

At the time of writing these comments they had not been received and as such will form part of an update.

The Ecologist has maintained an objection to the extensive loss of existing hedgerow but in the event that the Committee is minded to approve the application, would recommend that translocation is carried out in accordance with the details provided and subject to an appropriate condition. A further detailed objection from Mr Marsden has been submitted in respect of the hedgerow and this is summarised in the Representations section below.

The content of the original report has been updated but the recommendation remains one of refusal with the additional reason included from the previous Schedule of Updates.

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 to 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

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

- 20 car parking spaces
- 1 three bed temporary dwelling
- Garage/ workshop
- 1 hub communal building
- Amenity building
- 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 In addition to the details provided following the deferral of this application, 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 | | | |

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

- 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

2.2 Neighbourhood Development Plan

The Much Marcle Neighbourhood Development Plan (MMNDP) was the subject of a positive Referendum on 12 July 2018. The policies contained within the Plan can now be afforded full 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

2.3 National Planning Policy Framework (NPPF)

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

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

<https://www.herefordshire.gov.uk/directoryrecord/3090/muchmarcleneighbourhooddevelopmentplan>

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:-

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

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 comments 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 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 it's 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

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

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 cyclists on 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 cannot 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.

Comments following deferral

Comments awaited

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 appear 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)

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)

There are no tree issues - only a small, scrubby ash in the hedgerow.

However, the amount of hedge would require translocating/replanting is extensive and I would be concerned about the biodiversity impact of its removal, however, temporary for bats commuting and as habitat nesting birds. In a quick inspection of the woody species in the hedge, I believe the hedgerow would constitute a species rich, potentially an Important Hedgerow.

In addition, the removal of hedge which is out of the applicant's ownership I suggest is a significant factor.

Comments following deferral

Thank you for providing the information regarding hedgerow translocation at this site. If the committee are minded to approve this application I would advise that the hedgerow translocation as document is fully implemented. I examined the hedgerow on 21st June and I judge that the removal of this section will be a very extensive impact upon the biodiversity status of the site and its environs akin to felling a broadleaved copse of some 400 m² with all its nesting bird and protected species potential. The necessity for this unavoidable from the road safety perspective but it is a shame to have to undertake this for what is a sustainably themed project. There is also a potential to damage roadside flora and plant communities which should be avoided.

I would add that these comments are additional to those already sent based on the ecological report.

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:

- 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 4 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
- 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

- removal of this species-rich boundary hedge would involve the irreplaceable loss of a longstanding historic landscape feature of high biodiversity importance, and would transform the south-east 'gateway' to both the village and the county
- significant adverse impact on local character
- proposed translocation will not avoid irreplaceable loss and damage to the biodiversity, landscape and historic features of this hedgerow.
- agent has provided no evidence of a survey to assess the likely presence of protected species, including common dormouse, and so this proposal is not compliant with protected species legislation or Natural England's standing advice referred to above
- recommendation for refusal are now supported by specialist officers' landscape, ecology and highways objections

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 (twin unit caravan with attached veranda) 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 its 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 guest, 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 programme 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. Furthermore whilst the main part of the accommodation would meet the revised definition of a twin unit caravan, the additional veranda would exceed, resulting in a greater degree of permanence. Notwithstanding the hybrid nature of the dwelling, 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 this would need to be weighed against the other environmental impacts, 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 itself and 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; this 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 characterised the 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 are 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 conserve them 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 set out what and how LPAs 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 test). 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, the objection of the Arboriculturalist has been overcome. However, following the further clarification in respect of the loss of hedgerow, the Ecologist maintains an objection but advises that in the event that permission is refused, would strongly recommend a condition requiring full survey of the hedgerow as part of any translocation.

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 NE1 and NE2 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. This, 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

- 6.32 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.
- 6.33 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.
- 6.34 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.
- 6.35 Environmentally, the proposal would result in users of the site 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.

- 6.36 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.
- 6.37 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
- 6.38 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.
- 6.39 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, LD2, LD4, MMNDP policies SD1, NE1 and NE2 and the guidance provided by the NPPF.

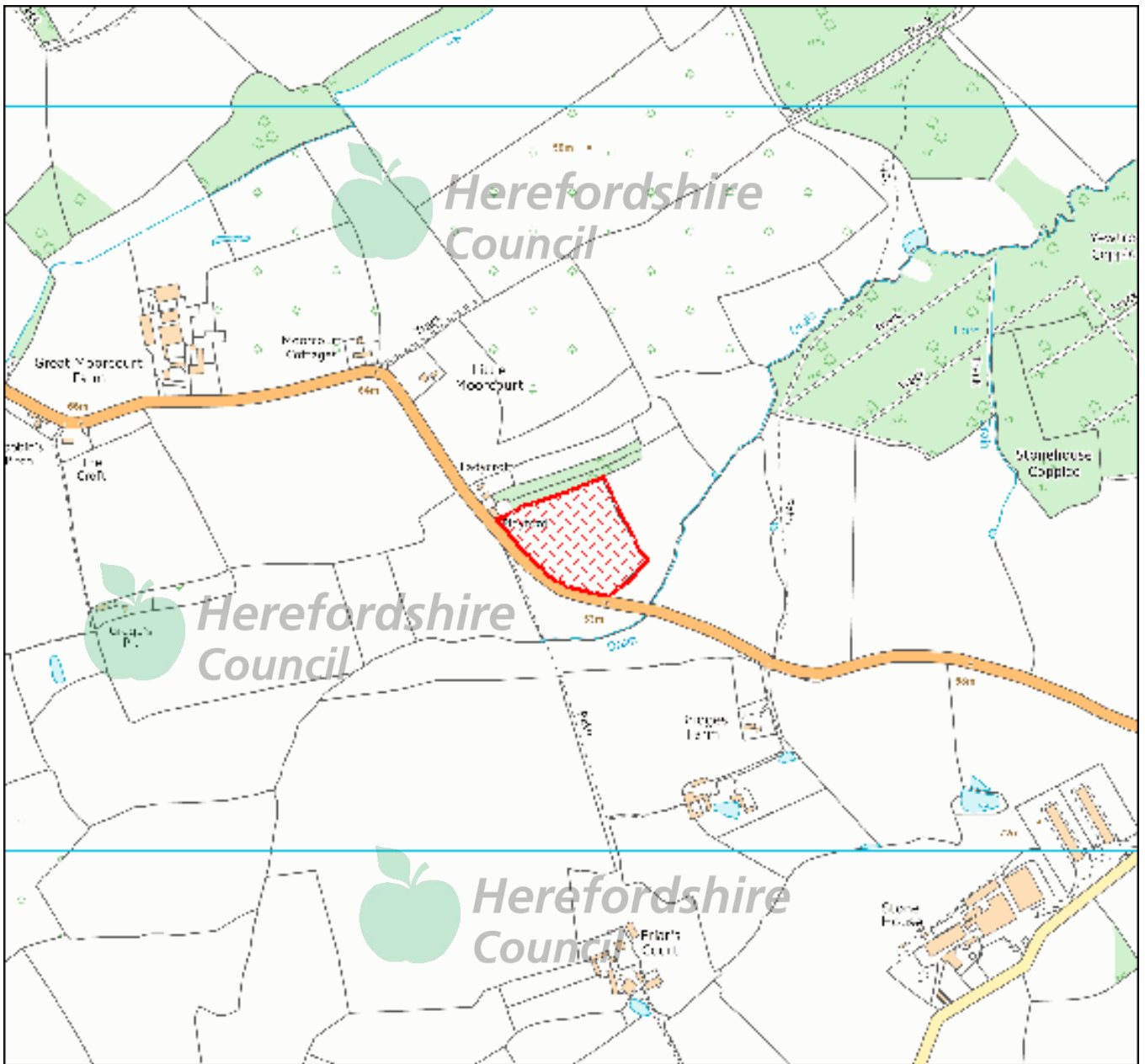
RECOMMENDATION

That subject to any further comments received from the Transportation Manager, 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 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.**

5. **The extent of the loss of hedgerow required to provide for the necessary visibility splays at the proposed site entrance would be harmful to the biodiversity value of the site and surrounding area, contrary to Herefordshire Local Plan Core Strategy policy LD2, Policy NE2 of the Much Marcle Neighbourhood Development Plan and the guidance provided by the National Planning Policy Framework.**



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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:	25 JULY 2018
TITLE OF REPORT:	181089 - PROPOSED CONSTRUCTION OF A SUDS DRAINAGE POND AND ASSOCIATED WORKS INCLUDING THE CONSTRUCTION OF A MAINTENANCE ACCESS ROADWAY AT LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD. For: Mr Jones per Mr Chad Farmer, 28 Pickford Street, Birmingham, B5 5QH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181089&search=181089
Reason Application submitted to Committee - Council Interest (Development Partner)	

Date Received: 23 March 2018

**Ward: Bromyard
Bringsty**

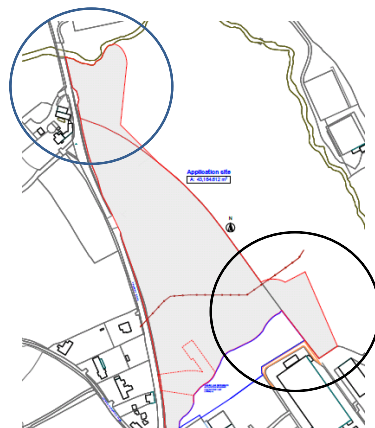
Grid Ref: 365125,255550

Expiry Date: 21 June 2018

Local Member: Councillor NE Shaw

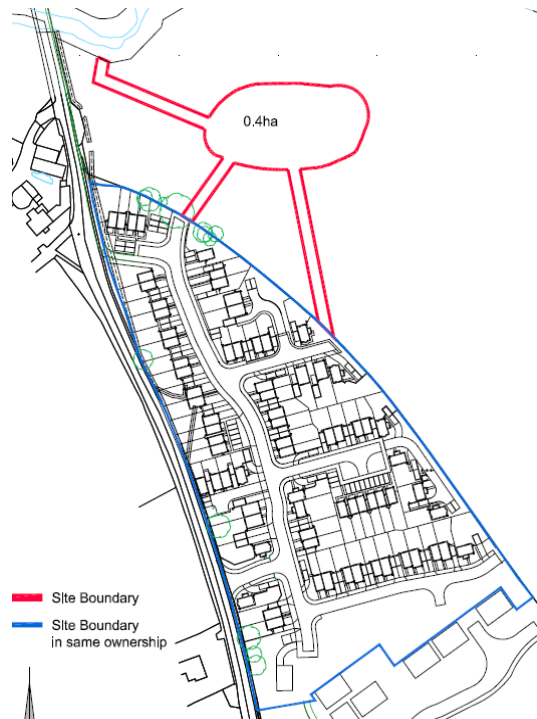
1. Site Description and Proposal

- 1.1 Outline planning permission and approval of reserved matters has been granted for the erection of 76 dwellings and six B1 business units, subject to conditions. Work has commenced on the site and the first dwellings are complete and are ready to be occupied.
- 1.2 This application relates specifically to the construction of a sustainable urban drainage (SuDs) pond. The originally approved scheme included the construction of ponds in the northernmost and south easterly parts of the site circled below:



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

- 1.3 A flood risk assessment (FRA) was prepared and approved for the scheme as outlined above. The current proposal seeks to provide a single, but larger attenuation pond, to the north of the scheme. Essentially the revision to the extant permission is to simplify the surface water attenuation through the utilisation of a single, larger attenuation pond, with a single flow control structure, before discharge to the River Frome. The plan below shows the revised position:



- 1.4 This application is also supported by a bespoke Flood Risk Assessment to consider and support the proposed change to the existing extant permission.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management
SD4	-	Waste Water Treatment and River Quality

2.2 Bromyard Neighbourhood Development Plan

Bromyard and Winslow Town Council designated a neighbourhood area on 23 November 2015, however a decision was taken in their March 2017 meeting that they wish to withdraw from the neighbourhood planning process.

- 2.3 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

3. Planning History

- 3.1 140285/0 - Hybrid application - part Outline for 76 dwellings (35% affordable) and a business centre for B1 uses, with all matters except access to be reserved. Part Full, for the development of a single B1 business unit and the means of access thereto – Approved
- 3.2 161188/RM - Application for approval of reserved matters following outline approval. (P140285/O) for 76 dwellings and associated works – Approved

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - Based on the scale and nature of the proposed development, we would have no bespoke comments to offer. I would refer you to our Standing Advice and recommend you seek the views of your Land Drainage team.

Internal Council Consultations

- 4.2 Land Drainage Engineer – comments awaited
- 4.3 Ecologist – **Recommends conditions** and comments as follows:

I am aware that a SuDS was proposed and approved in relation to the associated housing development application; but that this was in a different location and obviously designed and integrated as part of the Biodiversity mitigation/enhancements this development was offering.

This current separate SuDS application is in a position closer to and with a more direct outflow in to the River Frome (Local Wildlife Site SWS_SO65/010). Despite this separated and more sensitive location no account of local ecology, biodiversity or natural character appears to have been considered, nor any relevant supporting information supplied. The River Frome (LWS) is home to many species and is known to be frequented by protected species such as Otters and with potential for Crayfish. In line with the Council's Core Strategy, Duty of Care under the NERC Act, NPPF Guidance and Habitat Regulations a detailed ecological survey should be supplied. This report should clearly identify all relevant flora and fauna and provide relevant Ecological Working Methods and Risk Avoidance Measures.

This ecology survey should also then inform a revised design and biodiversity enhancement plan for the SuDS. In line with national guidance and the Council's Core Strategy (SD3 and LD1-3 and retained SPD/SPG on Green Infrastructure and Biodiversity) and SuDS Handbook (https://www.herefordshire.gov.uk/downloads/file/14026/sustainable_drainage_systems_handbook) all SuDS should show how they have considered local biodiversity and character in their design.

As currently proposed the design is not compliant with Policy or Guidance mentioned above. The supplied proposal is for a 'hard' engineered SuDS that does not consider how it integrates in to the local green and blue infrastructure, local character or distinctiveness and appears to offer little or no benefit for biodiversity. I would suggest the applicant looks at the SuDS associated with The Furlongs development off Roman Road in Hereford as to how a SuDS can be designed and implemented to make a positive contribution to biodiversity and fit in with the local green and blue infrastructure and local character and distinctiveness. The RSPB and WWT have also produced some excellent guidance on integrating SuDS and wildlife <https://www.wwt.org.uk/conservation/saving-wetlands-and-wildlife/influencing-action/guidance/sustainable-drainage-systems-suds/>. The Council's Landscape Team should also be consulted on any revised designs for their advice and comments.

I am happy that this application can be approved in principle but the relevant Ecological survey/report and revised designs should be subject to relevant pre-commencement Condition and approval by this LPA.

In addition as the actual construction process has the potential to harm the local environment and downstream along the River Frome (Local Wildlife Site) a full Construction Environmental Management Plan should be required as pre-commencement condition – in addition to mitigating general issues this CEMP will need to include any species/habitat specific mitigation measures as identified through the ecological survey.

- 4.4 Environmental Health Officer (contaminated land) - Given what's proposed and what is known about the site, it would seem unreasonable to recommend further site investigations be undertaken. However, the following condition to consider unforeseen contamination should be appended to any approval.

If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

5. Representations

- 5.1 Bromyard & Winslow Town Council - At its meeting held on Tuesday 8 May 2018, Bromyard and Winslow Town Council's Planning and Economic Development Committee resolved not to support the application, with the following comments: The location is unsuitable due to the high risk of flooding in the area and the potential for pollution.

Supporting documents (flood reports) relate to the previous application and are therefore out of date and not relevant for the current application. Why is the application not described as an amendment to the original full application?

- 5.2 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=181089&search=181089

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 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 Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). The CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the National Planning Policy Framework (NPPF). SS1 confirms proposals that 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.

- 6.3 In this particular instance planning permission has been granted for a residential development of 76 dwellings and the permission included the provision of a SuDS pond. This is accepted in

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

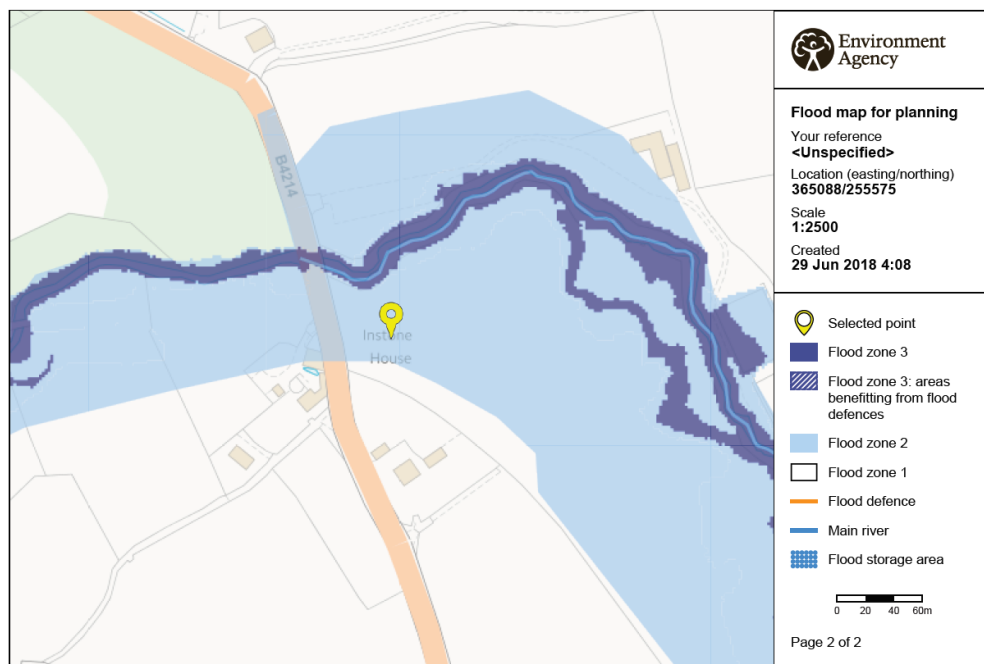
principle. The issue at stake here is simply whether the provision of a pond in an alternative location is acceptable and accords with CS Policies SD3 and SD4.

6.4 A bespoke Flood Risk Assessment has been prepared at the request of the case officer and in response to comments from Bromyard and Winslow Town Council. Its stated aims and objectives are as follows:

- to assess whether the revised proposal is likely to be affected by flooding, with consideration to the effects of climate change;
- assess whether the proposed scheme is appropriate in the suggested location in accordance with planning policy;
- present any flood risk mitigation measures necessary to ensure that the proposed development and future occupants will be safe, whilst ensuring flood risk is not increased (or where possible reduced) elsewhere; and
- Confirms that the scheme presents an acceptable, from a flood risk perspective, alternative sustainable strategy for managing surface water.

6.5 CS Policy SD3 refers to sustainable water management and reflects the NPPF's technical guidance on flood risk. In the first instance it promotes the use of sustainable drainage schemes to manage surface water and requires that development proposals are located in accordance with sequential and exception testing.

6.6 The plan below is an extract from the Environment Agency's flood map; the approximate location of the application site shown by the yellow tab. It confirms that the proposed attenuation pond is located in Flood Zone 2 – the same as the approved pond at the northern end of the site.



6.7 In terms of surface water and groundwater flooding, the area is considered to be of low risk, and no other sources of risk have been identified.

6.8 The FRA supporting the application concludes that, due to the low/medium risk from all sources, the site of the proposed pond passes the Sequential and Exception Test and no flood protection is required for the development. Officers concur with this view on the basis of the flood risks identified above, and by virtue of the fact that the provision of a single pond as shown will reduce the area of attenuation to be provided and will consequently have a reduced impact on

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

flood storage in an extreme flood event. The proposal is considered to be compliant with CS Policy SD3.

- 6.9 The Council's Ecologist has accepted that the application is acceptable in principle, particularly as the wider permission for housing development has granted permission for SuDs in a similar location. However, it is clear from the comments that there are potential improvements to be made to the detailed design of the scheme, but it is concluded that this can be addressed through the imposition of suitably worded conditions. On this basis the proposals would provide an enhancement to biodiversity in accordance with the requirements of CS Policy LD2.
- 6.10 In conclusion, the re-design of the SuDS scheme is considered to accord with the relevant policies in the Core Strategy and will not have any demonstrable detrimental impacts over and above the previously approved scheme. In fact, the reduced area of attenuation will have positive benefits in terms of impacts on flood storage capacity. Subject to the imposition of conditions the attenuation pond will also offer biodiversity enhancements in accordance with CS Policy LD2.
- 6.11 The Council's Environmental Health Officer has recommended the imposition of a condition to require further investigation if contaminated land is encountered during the course of development and this is reflected in the recommendation below.
- 6.12 Officers are of the view that there are no other matters of such significance to warrant the refusal of the application. The scheme therefore complies with the Core Strategy and on this basis the recommendation is one of approval subject to the imposition of conditions.

RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. Development shall not commence until a final Works and Engineering Programme has been submitted to and approved in writing by the local planning authority. The scheme shall include details and plan sections of the engineered profiles and gradients of the attenuation basin. The development shall be carried out in accordance with the agreed Programme.**

Reason: To ensure a satisfactory form of development and to accord with Policies LD2, SD1 and SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4. No development shall commence on site until an ecological survey and habitat enhancement scheme (based on the recommendations of the survey) which contains proposals to enhance the habitat on site for wildlife and biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.**

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy

Framework.

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

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

- 6. **If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.**

Reason: In the interests of human health and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

INFORMATIVE:

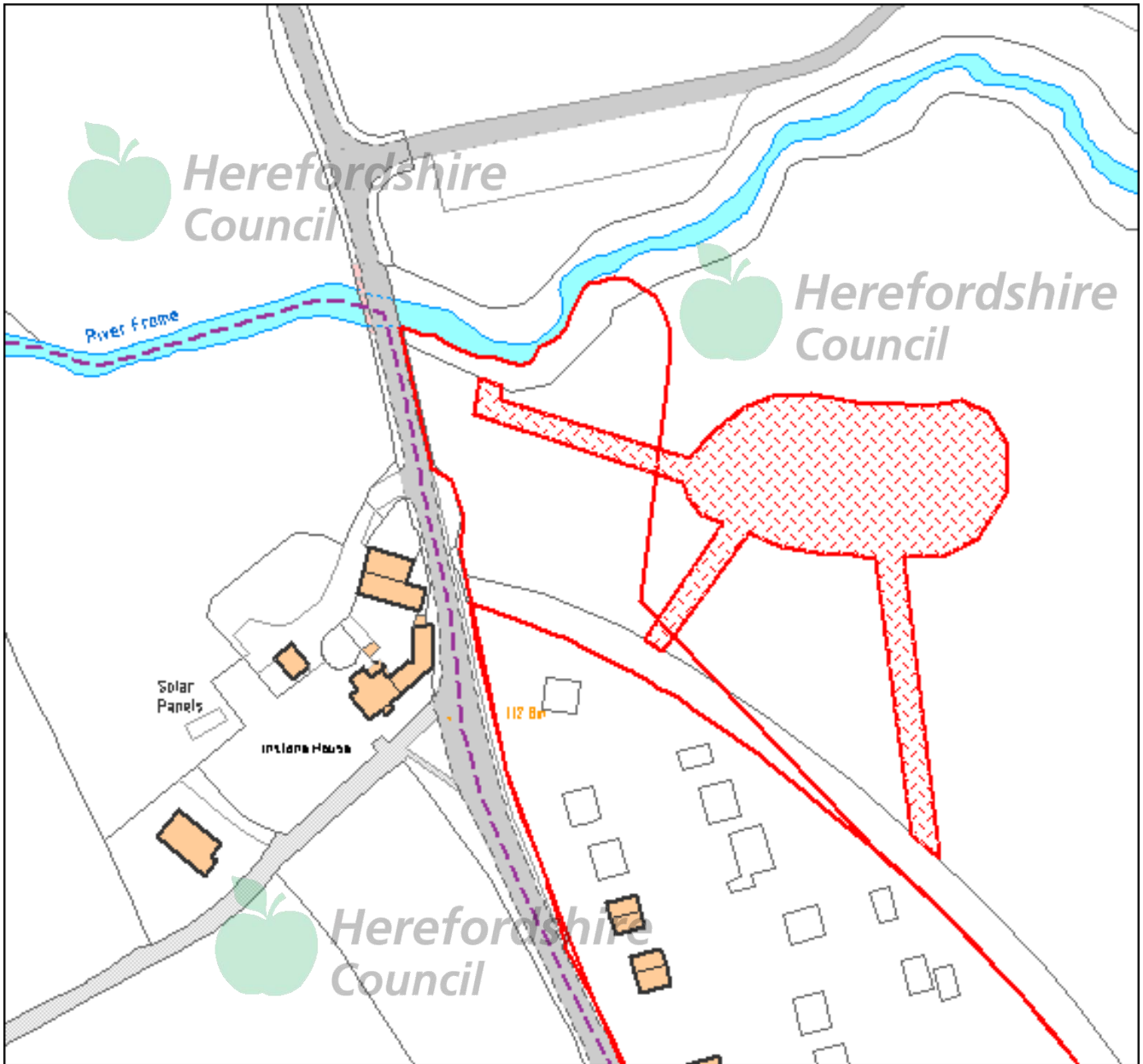
- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181089

SITE ADDRESS : LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 2018
TITLE OF REPORT:	<p>174451 - PROPOSED CHANGE OF USE AND CONVERSION OF FORMER COACH HOUSE TO FORM A 2 BEDROOM DWELLING TOGETHER WITH PROVISION OF TURNING AND PARKING FACILITIES AND PRIVATE AMENITY AREA AT FORMER COACH HOUSE AND LAND AT WILCROFT, BARTESTREE, HEREFORDSHIRE, HR1 4BB</p> <p>174452 - PROPOSED CHANGE OF USE AND CONVERSION OF FORMER COACH HOUSE TO FORM A 2 BEDROOM DWELLING TOGETHER WITH PROVISION OF TURNING AND PARKING FACILITIES AND PRIVATE AMENITY AREA AT WILCROFT, ACCESS TO CROFT COURT, BARTESTREE, HR1 4BB</p> <p>For: Mr Mifflin per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN</p>
WEBSITE LINK:	<p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174451&search=174451</p> <p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174452&search=174452</p>
Reason Application submitted to Committee - Redirection	

Date Received: 27 November 2017 Ward: Hagley

Grid Ref: 356366,241649

Expiry Date: 31 May 2018

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Planning permission and Listed Building Consent is sought for the conversion of an existing two-storey brick constructed outbuilding at Wilcroft, Bartestree. The application site is accessed via an unadopted track from the C1130 to the north of the village. The site is in open countryside. The track serves a number of residential properties and agricultural land. The application site is, in effect, the western end of a range of buildings that would formerly have been associated with the Grade II listed Wilcroft House, the list entry for which is below:-

Grade II House, now divided into three. Late C18 and early C19 with additions of late C19. Brick, hipped slate roofs. Irregular plan with former main entrance range aligned east/west facing south (Wilcroft), wings extending to east (Wilcroft East) and west (Wilcroft West), former central entrance and stairwell, end and axial stacks. Two and three storeys with attics and

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

cellars; south front, rusticated quoins and semi-circular blind arch to single bay, 2:1:3 glazing bar sash windows, forward projecting Tuscan porch with panelled door, inner elliptical headed archway to doorway with half-glazed door. Interior retains contemporary staircase and stuccoed ceiling decoration.

- 1.2 It is by association with Wilcroft that the subject building is considered 'curtilage listed'. The intended vehicular access to the converted property will run along north of the terrace before turning south to approach from the west.
- 1.3 To the immediate west of the application site is a range of agricultural buildings, including some that have been used for livestock housing. The buildings include an open-fronted south-facing pole barn, which adjoin the west-facing gable of the subject building. Access to this barn by vehicle is via the proposed access to the barn conversion.
- 1.4 The accommodation proposed is 2-bedroom, with open plan kitchen and dining area occupying one bay at ground floor, a lounge the other.
- 1.5 There is a lengthy planning history associated with the site. The original 1999 scheme was refused for 3 reasons relating to the impact of the conversion on the character of the building, the detrimental amenity impacts of providing access to the converted building along the rear of the neighbouring dwellings and the adverse environmental impacts of living in such close proximity to a farmyard.
- 1.6 The 2002 application was refused for a single reason relating to the adverse environmental impacts of living in such close proximity to a farmyard.
- 1.7 A further 2012 application was refused for the same single reason:

The proposed site layout drawing fails to specify areas for the parking of domestic vehicles and private amenity space, and does not confirm the ability to access the pole barn with larger, agricultural vehicles without severely compromising the proposed domestic curtilage. For this reason the local planning authority considers the proposal contrary to Policies HBA12 and DR2(4) of the Unitary Development Plan in that the proposed residential use has not been shown to be compatible with the adjoining agricultural activity. The absence of a demonstrably safe means of access to the property or the provision of adequate private amenity space is also held contrary to Policies DR3 and H13(11) of the Unitary Development Plan and guidance set out in the NPPF.

- 1.8 Importantly, this refusal was the subject of an appeal. The appeal was dismissed but in determining the appeal, the Inspector provided detailed commentary on the proposal and this has informed this most recent submission.
- 1.9 The application is accompanied by a Planning, Heritage Design and Access Statement and a Protected Species Survey.

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 link below:-

SS1 – Presumption in favour of sustainable development
SS6 – Environmental quality and local distinctiveness
RA3 – Herefordshire countryside
RA5 – Re-use of rural buildings
MT1 – Traffic management, highway safety and promoting active travel
LD1 – Landscape and townscape

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

LD2 – Biodiversity and geodiversity
LD4 – Historic environment and heritage assets
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources
SD4 – Waste water treatment and river water quality

2.2 The Bartestree and Lugwardine Neighbourhood Development Plan was made on 1 December 2016 and as such carries full weight as part of the adopted Development Plan. The relevant policies are set out below:-

BL1 – Criteria for the Design of New Houses
BL3 – Infilling and Windfalls
BL5 – Housing in the Countryside
BL6 – Residential Rural Buildings
BL7 – Conserving Historic Character
BL12 – Transport and Highways

2.3 National Planning Policy Framework (NPPF)

Achieving sustainable development
Building a strong, competitive economy
Supporting a prosperous rural economy
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

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

https://www.herefordshire.gov.uk/downloads/file/3207/neighbourhood_development_plan_adopted

3. Planning History

3.1 The site has a lengthy history relating to the proposed conversion of the building into a dwelling:

P152673/L - Various works to former coach house (Retrospective). Refused 12 November 2015

S120452/F and S120454/L – Change of use with alterations to form small residence from former coach house. Refused 11 October 2012. Appeal Dismissed

CE2002/0580/F and CE2002/0582/L – Conversion and refurbishment of a redundant former coach house to form new dwelling on part of a terrace of existing dwellings. Refused 19 April 2002

CE1999/1962/F and CE1999/2961/L – Alterations and refurbishment of an existing outbuilding (former coach house) to form new dwelling as part of a terrace of existing dwellings. Refused 2 May 2000.

4. Consultation Summary

4.1 Statutory Consultations

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / 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 62 of the Habitats Regulations 2017, as amended.

Natural England's advice on other natural environment issues is set out below.

Further advice on mitigation

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

Foul sewage

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

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as

described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Welsh Water

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

4.2 Internal Council Consultations

Transportation Manager

The property is accessed off a narrow private lane with limited passing places, but which already serves a number of other properties. I do not consider that the addition of one further property gives grounds for objection.

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

CAL

Conservation Manager (Historic Buildings)

Recommend approval subject to conditions: the proposals would not harm the character or significance of the building and as such accord with policies within the adopted CS and NPPF.

Conditions: Window details, roof details and materials, rooflight details. Walling sample panel.

Conservation Manager (Ecology) in response to updated Ecological Survey

The site lies within the Discharges "any discharge of water or liquid waste..." River Lugg (R.Wye) SAC & SSSI Impact Risk Zone and so sufficient and detailed information is required to be submitted to allow the authority to assess the proposal through its Duty of Care under NERC

Act and Habitat Regulations and to determine that the development will have NO 'likely significant effects' on the relevant SAC & SSSI.

The applicant has indicated in their application form that foul water will be managed by connection to a new Package Treatment Plant but no information on location or how final outfall will be managed appears to have been supplied. In order to discharge this LPA's Duty of Care confirmation that final outfall through a soakaway drainage field on land under the applicant's control should be supplied. No direct discharge to any local watercourse, stream or culvert will be acceptable due to potential detrimental impacts upon the River Lugg (Wye) and the protected species and other ecology for which it is designated a SSSI and SAC. **This information on foul water management must be supplied before this application can be determined (NERC Act, NPPF, Habitat Regulations, Core Strategy SD4 and LD2)**

Subject to this information being received then I could conclude that there would be no unmitigated Likely Significant Effects on the River Lugg (Wye) SSSI and SAC. I note the updated ecology report and bat surveys with suggested Ecological Working Methods and proposed Biodiversity Enhancements. These should be subject to an appropriate implementation Condition.

Nature Conservation – Ecology Protection, Mitigation and Enhancements

The ecological recommendations and biodiversity enhancements in the Ecology Report by Countryside Consultants Ltd dated January 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

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

In response to the submission of a Foul Drainage Strategy, the following comments were provided:

Subject to any approvals/licences required from Building Control or Environment Agency (discharges) as part of the construction phase/operation and outside of Planning Control I am satisfied that the proposed Foul water Management system is appropriate and relevant to conclude that this development should have NO 'likely significant effects' on the River Lugg (R Wye) SSSI/SAC.

My previous suggested condition regarding ecological protection remains valid.

5. Representations

5.1 Bartestree and Lugwardine Parish Council (original comments):

Bartestree with Lugwardine Parish Council would like to support both this application and 174452. They are, however, mindful of concerns regarding the restricted thoroughfare. Please see NDP BL6.

Bartestree and Lugwardine Parish Council (revised comments):

Whilst we as a PC have previously supported this application for the property, on this occasion we are minded to object for a variety of reasons. These include details of planning history, which we were unaware of - in particular the planning report of 2016. We also felt there were very real problems with access and rights of way. The property is also a listed building. The installation of a cesspit. Local residents, who use the well, fear a pollution problem.

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

It was claimed that the photographs used for the current application were very misleading – and do appear to be. They date back to 2012.

There was, it is claimed, a whole catalogue of events which the applicant has used to mislead planning officers, by having work done without permission in the past.

We, as a Parish Council, now wish to withdraw our support for this application.”

5.2 Over the course of a number of re-consultations in respect of both the Planning and Listed Building applications, a total of 18 objections have been received from 9 individuals. The comments can be summarised as follows:

- application similar to many previously refused applications
- building is suitable for agricultural or storage purposes
- impact on existing access to back lane
- will restrict use of back lane by emergency vehicles
- not possible to continue to use tractor and machinery on the lane
- existing plans include alterations that have been made without consent (windows in north and south elevations, brick paved area removed and replaced with concrete)
- impact of works on local bat and newt populations
- significant portions of the building have been re-built
- inaccurate to state that there will be no stripping out of walls, ceilings or floors as this has already taken place
- current use is described as residential and not vacant - it is a garage which should be used as storage or for agricultural purposes
- other converted buildings have amenity space to the north with no access required to the back lane
- loss of light to neighbouring property/kitchen
- will result in obstruction of lane for legitimate users
- timber cladding proposed to west wall is a fire hazard next to flammable hay and straw
- inaccurate Protected Species Survey
- access inadequately surfaced for additional traffic required for construction vehicles and future occupiers
- no details of how construction vehicles will access site
- the additional windows will overlook my property
- potential contamination of well water through use of reed bed system

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174451&search=174451

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174452&search=174452

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 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) and the Bartestree and Lugwardine Neighbourhood Development Plan (BLNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

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

- 6.3 The application site has been considered for residential conversion on several occasions historically. The site is outside the identified settlement boundary, but the historic precedent for conversion of the remainder of the range involved is obvious. Although the building is not remarkable in its own right, it is present on first epoch OS extracts and part of the historic built environment associated with Wilcroft. It is acknowledged that there have been unauthorised works to repair and partially rebuild the Coach House and through negotiation a number of changes have been secured to redress some of the concerns that have been identified (notably the removal of the 2 windows in the north elevation of the building in response to objections about potential loss of privacy. Aside from this it must be stressed that questions over the qualification of the building for conversion in accordance with CS policy RA5 (and now policy BL6 of the BLNDP) have not been raised in previous refusals. These have historically been focussed upon the detail of the proposed schemes at the time.
- 6.4 The legal provisions in respect of the heritage impacts are enshrined within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the decision-maker 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. Further to this, case law has established that preserving can be considered to be the same as doing no harm.
- 6.5 The Principal Conservation Officer has no objection and whilst the works that have been undertaken without consent cannot be condoned, they are considered to be modest and sensitive to the character of the building and its wider context and provide for a small 2 bedroom unit of accommodation within an established terrace of converted buildings. CS policy RA3 and BLNDP policy BL5 permit the conversion of disused rural outbuildings in the open countryside provided there is cross-compliance with policy RA5 and policies BL3 and BL6 respectively. In this case it is considered that the principle of re-using this specific building is acceptable and this has been endorsed in the most recent appeal decision in respect of a near identical application for work to the building. The Inspector opining that “*the proposal would serve to preserve the building, or its setting along with that of neighbouring curtilage listed buildings and any features of special architectural or historic interest*”.
- 6.6 At this juncture it is worth referring to the most recent refusal of Listed Building Consent (P152673/L). This sought to regularise the unauthorised works carried out to the building. There was no associated application proposing an alternative beneficial use of the building. The application was refused for the following reason:
- In the absence of an acceptable redevelopment scheme securing a beneficial use, the alterations are unnecessary and unjustified, failing to protect, conserve or enhance the heritage asset contrary to Policy LD4 of the Herefordshire Local Plan Core Strategy and guidance set out in the National Planning Policy Framework.*
- 6.7 The approach taken in determining to refuse this application was based upon the NPPF test that requires the decision-taker to weigh the impacts of development on the heritage asset against the public benefits. In the absence on any proposed use of the building, it was concluded that there was no basis to support what were in practice a number of unjustified alterations to the building. That is not the case now as a residential use is proposed.
- 6.8 Accordingly, the proposal is considered to comply with CS policy LD4 and BLNDP policy BL7 and in respect of the impact upon the character and setting of the curtilage listed building, it is considered that the amended scheme will preserve the character of the building. There will be some impact upon the setting of the building but this will effectively result in less than substantial harm. Having regard to the changes affected to the setting, this is considered to be very much at the lower end of the spectrum of less than substantial harm and in weighing this against the small scale economic and social benefits of securing a beneficial residential use of the building, the balance is in favour on the grounds of heritage impact.

- 6.9 Beyond this however, and at the root of the main cause of tension in respect of this site however, CS policies RA5 and SD1 require the proposed use of the building in question to be compatible with neighbouring uses and secure and safeguard residential amenity for existing and proposed residents. Policy MT1 requires development to provide safe means of access for pedestrians and motorised traffic.
- 6.10 It is considered helpful to focus on the two main issues that were considered in respect of the 2012 appeal.

Compatibility with neighbouring uses (agricultural operations)

- 6.11 In this case, the most obvious cause for conflict is with the access to and use of the pole barn immediately adjacent the application site. The refused submission proposed a rather convoluted and unclear layout with the amenity area for the converted building being partly in front of the adjacent agricultural building and no clear parking layout. This uncertainty led to a reasonable conclusion that the layout would fetter the farmer's ability to manoeuvre and access the building. The revised submission under consideration has sought to clarify the interaction between pedestrian and farm vehicles or that between parked cars and tractors and trailers attempting to access the barn. In essence, the amenity area is now limited to an open courtyard directly to the south of the coach house building (the applicant has advised that the farmer has no legal entitlement to access this land) with parking for 2 vehicles on land within the applicant control in an area set back from the back lane. This leaves a large area of hardstanding (approximately 130 square metres) immediately in front of the pole barn such that it is considered that there is sufficient room for the farmer to access the pole barn in a manner that will not prejudice his operations to an extent that would warrant the refusal of planning permission. Although a civil matter, the applicant has provided title deeds that indicate that this revised arrangement would not restrict the farmer's activities in the lane beyond those that are legally permitted.
- 6.12 The potential conflict between agricultural activities and the access to and from the converted buildings is clearly a continuing source of contention locally, but having assessed the issues that have been crystallised within the 2012 appeal decision, it is considered that an acceptable compromise has been found that will enable a small dwelling to be provided without compromising the use of the adjacent buildings and as such the requirements of CS policies RA5, SD1 and MT1 and BLNDP policies BL1 and BL3 are satisfied.

Residential Amenity

- 6.13 Although a reason for refusal historically, technical advice as regards the impact upon living conditions arising from the close proximity of the converted building to livestock, is that a reason for refusal could not be substantiated. This is in the context that there are other properties locally.
- 6.14 The converted building is provided with a modest but acceptable area of garden curtilage for a dwelling of this size, with parking that meets the required standard.
- 6.15 Two small windows on the north elevation will now be omitted and this satisfactorily addresses concerns about the loss of privacy to the garden of Fiddlers End. In respect of an objection concerning the loss of light to the kitchen of fiddlers Green, the proposed boundary wall has been revised and now comprises brick pillars and railing. The combination of modest height, openness and distance from the kitchen window is such that there would be no adverse impact upon residential amenity
- 6.16 I have considered the representations received in relation to the intensified use of the unmade and unadopted lane. Whilst Highways Design Guide policies would normally militate against

serving more than 5 dwellings from such a lane, the historic situation is such that existing usage far exceeds this already. In this context I do not consider that a further 2-bed dwelling would unreasonably add to the burden that the track already carries. The Transportation Manager is content that the junction with the C1130 offers adequate visibility. It is also noted that concerns over intensification have not figured as part of the Council's refusal reasons and this approach was endorsed by the Inspector.

- 6.17 There will undoubtedly be some disruption during further works to convert the building but these will be temporary and not a basis for refusal of planning permission. It is considered that there is ample space for the storage of materials and the parking of site operative vehicles in the area proposed for the future parking provision and as such no reason to condition such matters. A condition restricting working hours is reasonable however.

Other Matters

- 6.18 In relation to biodiversity impacts, it is reiterated that any works undertaken to the building without the relevant permissions cannot be condoned but there is no evidence before the Council that suggests that there has been any harm to protected species as a result of this. The application has been supported by a Protected Species Survey which was updated in light of local concerns. This has been scrutinised by the Council's Ecologist who has raised no objections subject to the recommended enhancements being incorporated. Furthermore in relation to the proposed drainage strategy, the applicant's recent confirmation that a mains connection is available is such that he concludes that there are no unmitigated impacts on water quality within European and national designations (River Wye Special Area of Conservation and Site of Special Scientific Interest). Concerns in respect of the potential impacts on private water supply are noted in relation to the originally proposed private package treatment works, but upon confirmation that a mains connection is available, there are considered to be no risks warranting further consideration.
- 6.19 Some concerns have been raised in respect of rights of access over the lane itself but these are civil matters and beyond the scope of Planning legislation. The revised layout provides for an open access across the application site to the rear of the neighbouring properties which at 3.5 metres wide would allow for emergency vehicles to access and any access from the other direction remains unaffected.

Conclusion and Planning Balance

- 6.20 It is recognised that there is a history of repeated refusals to the conversion of the Coach House and that this has continued to be a source of concern amongst local residents. That said, over the course of time, the range of issues that have resulted in refusal have been refined such that in 2012 this was limited to the potential conflict between the proposed residential use and the ongoing agricultural activities. It is considered that this proposal has satisfactorily addressed the lack of clarity that was the basis of the last refusal of planning permission. Heritage, biodiversity, drainage and residential amenity and access and parking issues have been properly addressed and in applying the planning balance, the acknowledged modest social and economic benefits associated with the conversion and occupation of a small 2 bed dwelling considerably exceed the minor environmental impacts that have been identified. Accordingly the proposal is considered to comply with policy and to be representative of sustainable development.

RECOMMENDATIONS

APPLICATION 174451/F

RECOMMENDATION

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

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **D04 Details of window sections, eaves, verges and barge boards**
4. **D09 Details of rooflights**
5. **D11 Repairs to matching existing**
6. **C65 Removal of permitted development rights (include fencing and means of enclosure)**
7. **C96 Landscaping scheme**
8. **C97 Landscaping scheme - implementation**
9. **H13 Access, turning and parking**
10. **I16 Restriction of hours of construction**
11. **I20 Scheme of surface water drainage**
12. **The ecological recommendations and biodiversity enhancements in the Ecology Report by Countryside Consultants Ltd dated January 2018 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

13. **CE6 Water conservation**

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. N11C General

APPLICATION 174452/L

RECOMMENDATION

That Listed Building Consent be granted subject to the following conditions:

1. D01 Time limit for commencement (Listed Building Consent)

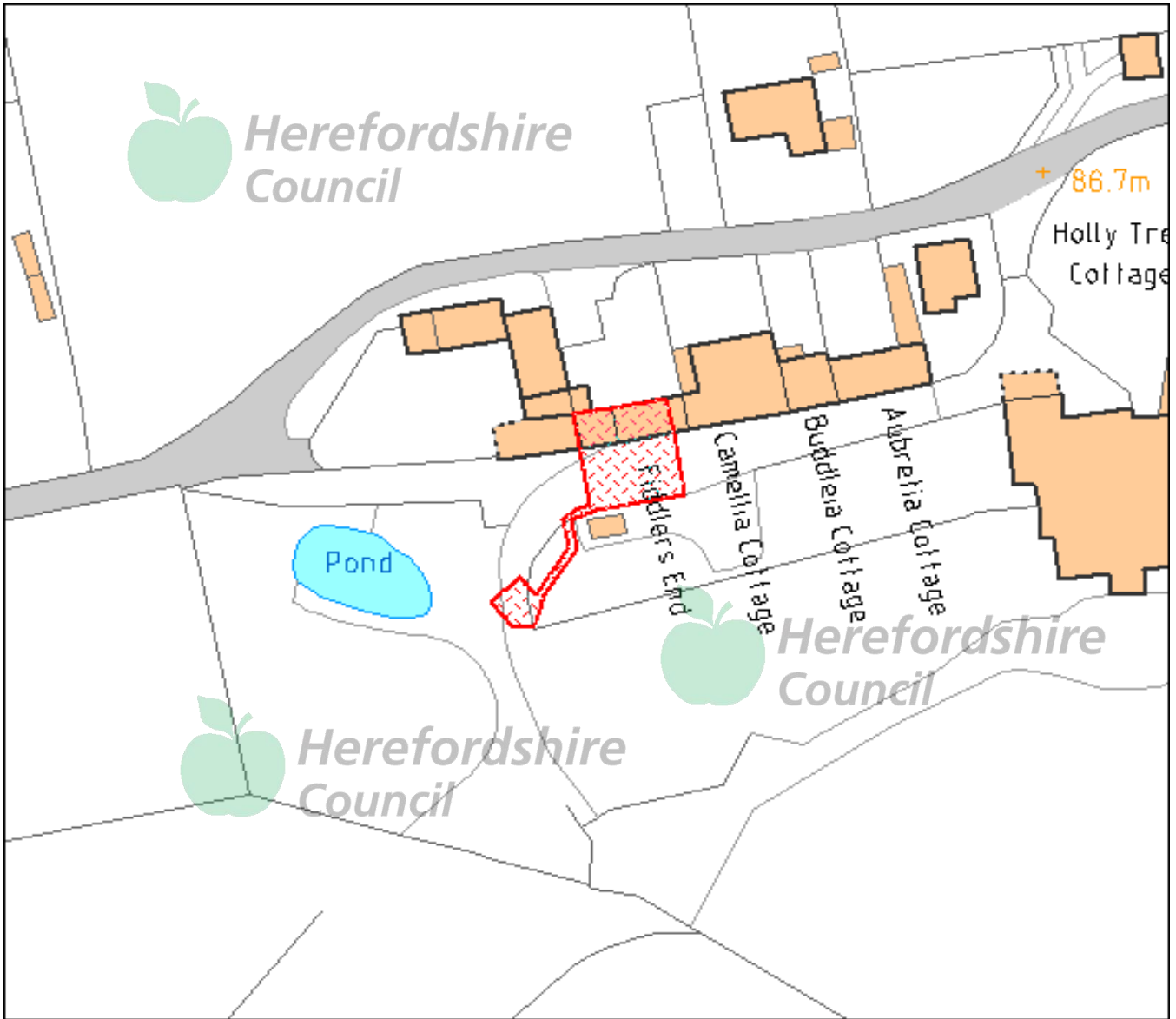
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 174451

SITE ADDRESS : FORMER COACH HOUSE AND LAND AT WILCROFT, BARTESTREE, HEREFORDSHIRE, HR1 4BB

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

Appeal Decisions

Site visit made on 26 November 2013

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2013

Appeal A Ref: APP/W1850/A/13/2196502

Wilcroft, Bartestree, Hereford, Herefordshire, HR1 4BB.

- 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 A E Mifflin against the decision of Herefordshire Council.
 - The application Ref S120452/FH, dated 20 March 2012, was refused by notice dated 11 October 2012.
 - The development proposed is change of use with alterations to form small residence from former coach house.
-

Appeal B Ref: APP/W1850/E/13/2198839

Wilcroft, Bartestree, Hereford, Herefordshire, HR1 4BB.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr A E Mifflin against the decision of Herefordshire Council.
 - The application Ref S120454/L, dated 20 March 2012, was refused by notice dated 11 October 2012.
 - The works proposed are described as change of use with alterations to form small residence from former coach house.
-

Decisions

1. The appeals are dismissed.

Procedural matters

2. James Morris Associates' A3 drawing of the south, north and west elevations as proposed was amended during the consideration of the applications by the Council. My deliberations will therefore be made on the basis of the revised drawing upon which the Council's determination was made, where the applied lead canes previously proposed to the large south facing windows have been removed.

Main Issues

3. I consider the main issues to be:

a) whether the proposed development would provide adequate private amenity space, a safe means of access and parking for domestic vehicles having regard to the need to retain access to the pole barn for larger agricultural vehicles; and

b) whether the works would serve to preserve the building, or its setting along with that of the neighbouring curtilage listed buildings and any features of special architectural or historic interest and if no harm would arise whether, in the light of the first main issue, the alterations to the listed building to enable residential occupation are unwarranted and premature.

Reasons

4. The property the subject of this appeal is a former coach house, curtilage listed grade II, semi-detached to one side to neighbouring former outbuildings now converted into four self-contained units for residential occupation. In addition, it is adjacent to a small farmyard comprising three buildings including a pole barn that, along with the coach house, front on to an irregular shaped piece of land, shown to be in the ownership of the appellant but over which, I understand from the evidence, the owner of the pole barn enjoys vehicular access.
5. The appellant proposes the conversion of the existing coach house to form a two bedroom dwelling over two floors. While providing vehicular access to the proposed dwelling and the pole barn, the area of land in front of the buildings would be laid out to provide private amenity space, parking and vehicle manoeuvring.

First main issue

6. Policy HBA12 of the Herefordshire Unitary Development Plan Adopted March 2007 (UDP) requires, at criterion 4, that proposals for the re-use and adaption of rural buildings is compatible with neighbouring uses, particularly agricultural operations, and does not itself cause undue environmental impacts. Criterion 4 of UDP Policy DR2 states that where relevant to the proposal, all development will be required to amongst other things not prejudice the amenity or continued use of adjoining land and buildings.
7. The proposed route of the residential and farm access is clearly shown on the accompanying drawings. However, four pairs of doors/gates are also shown to the front of the pole barn and it is clear from the drawings that when even one of these is in use, it would open over the access track and thereby obstruct vehicular access to either or both the pole barn and proposed dwelling. Equally, even if there were no doors/gates, any vehicle turning into or out of the pole barn or even stopping to load or unload would also obstruct the access way. This arrangement would not to my mind be at all satisfactory for either future residents or the farmer and could have the potential to be hazardous to those using the track or the immediate garden. Accordingly, if the development were to go ahead as planned, the two uses would be incompatible one with another and therefore contrary to the aims of Policies HBA12 and DR2. In addition, it would fail to satisfy the objectives of UDP Policy DR3 that requires all development to provide safe, convenient and attractive patterns of movement into, out of and across a site.
8. UDP Policy H13 at criterion 11 requires proposals for residential development to provide for acceptable levels of residential amenity. Save for the area denoted as access and future car parking and the land in front of the adjoining residential properties, the irregular shaped piece of land edged in red on the site plan is shown as garden/amenity area. To my mind this would be of

sufficient size to serve the new dwelling. However, the appellant's proposals for vehicular access are clearly not practical and any re-configuration necessary to overcome this objection might well, in my judgement, result in a significant reduction in the area that could be set aside for private garden. I am therefore unable to conclude that the proposal would provide adequate private garden for future residential occupiers and, therefore, it would fail to meet the objectives of criterion 11 of UDP Policy H13 as it relates to residential living conditions.

9. I therefore conclude, in respect of the first main issue, that the proposed development would not provide adequate private amenity space for future residential occupiers, a safe means of access and parking for domestic and agricultural vehicles.

Second main issue

10. The Council raised no objections to the works of alterations proposed to the coach house for its conversion to a two bedroom unit as shown. Based on what I have seen and read I find no reason to reach a contrary view. Accordingly, the proposal would serve to preserve the building, or its setting along with that of the neighbouring curtilage listed buildings and any features of special architectural or historic interest.
11. However, I have found that the proposed change of use for which planning permission has been sought would be unacceptable as the development, as designed, would not provide adequate private amenity space, a safe means of access and parking. Accordingly, if listed building consent were granted it could not be implemented without the benefit of planning permission. Furthermore, a subsequent application for planning permission for change of use might well result in the need for a fresh application for listed building consent to take account of subsequent changes that might impact on the curtilage listed buildings.
12. Consequently, I conclude that to grant listed building consent for the scheme before me would be contrary to the objectives of UDP Policy HBA1 and guidance set out in the National Planning Policy Framework as it would be premature to do so.

Other matters

13. I am aware from the evidence before me that there are questions in respect of the ownership and right of access over the lane itself as well as the land edged red on the site plan. These are, however, civil matters outside the scope of these planning appeals. Accordingly, whatever the circumstances surrounding these matters they are not relevant to my consideration of the planning merits of the proposal.
14. Concerns have been raised by third parties in respect of the increased pressure, in relation to vehicle movements, that the additional dwelling would place on the private lane leading from the highway. The Council's Highway Engineer, however, has not raised objections in relation to the lane's suitability to accommodate the additional traffic generated by the development. In the circumstances, therefore, I am not satisfied that there is sufficient justification to support the contention that the proposed development would cause undue congestion or be detrimental to highway safety in this respect.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Philip Willmer

INSPECTOR

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 2018
TITLE OF REPORT:	180889 - PROPOSED ERECTION OF 2 DETACHED DWELLINGS WITH DETACHED GARAGES AT LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB For: Mr Mokler per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180889&search=180889
Reason Application submitted to Committee – re-direction	

Date Received: 8 March 2018**Ward: Castle****Grid Ref: 333195,251593****Expiry Date: 30 June 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 site lies on the north side of C1079, just to the west of St Mary's Church, on the edge of the built-up area of Almeley. There is a hedgerow frontage, with a group of small trees towards the western boundary. The land rises from the road towards the rear of the site. The site lies within the Almeley Conservation Area and in close proximity to the Grade I listed St Mary's Church, Grade II* Almeley Manor and Grade II Almeley House.
- 1.2 The scheduled monument Almeley Castle lies on the opposite side of road.
- 1.3 The proposal is for the erection of two detached 3-bed houses of natural stone and slate finish. Ridge heights are just under 7.3m. Plot A includes a detached double garage and Plot B a single detached garage. New individual vehicular accesses are proposed. The existing building in the south west corner of the site is to be removed.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy

SS1 Presumption in Favour of Sustainable Development

RA1 Rural Housing Distribution

RA2 Housing is settlements outside Hereford and the Market Towns

MT1 Traffic Management, Highway Safety and Promoting Active Travel

LD1 Landscape and Townscape

LD2 Biodiversity and Geodiversity

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

LD4 Historic Environment and Heritage Assets
SD1 Sustainable Design and Energy Efficiency
SD3 Sustainable Water Management and Water Resources

2.2 National Planning Policy Framework (NPPF)

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 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. The draft Regulation 16 plan was submitted on 27 June 2018 but will not be completed until 22 August 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 163430 - Erection of two houses - refused 31 July 2017

3.2 143462 - Erection of 2 houses withdrawn

3.3 140977 - Erection of 2 houses withdrawn.

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 Historic England

Thank you for your letter of 27 March 2018 regarding the above application for planning permission. We refer you to our letter of 30 November 2016 drawing your attention to the potential impact of the development on the significance of Grade I and II* listed buildings and the scheduled remains of the motte and bailey castle and the advice contained in our Historic Environment Good Practice in Planning 3: The Setting of Heritage Assets. We have no comments to make in addition to those set out in our previous letter.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.

2016 letter

Thank you for your letter of 10 November 2016 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

The application site lies in the heart of the Almeley Conservation Area in the historic core of the village close to the Grade I listed church, the Grade II* listed Almeley Manor and the scheduled remains of the motte and bailey castle. The proposed development which includes the demolition of an existing outbuilding will thus have an impact upon the significance of this ancient village and the setting of heritage assets of the highest significance.

Given the sensitivity of the location we would draw your attention to our published Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets and the policy set out in paragraphs 129, 131 and 134 of the NPPF.

The quality of construction and detailing is critical to the success of C21st century homes designed in a traditional style; if you are minded to approve the application conditions should be imposed requiring prior approval of materials, details such as window cills, lintels, recesses, eaves and verge details, rainwater goods and a sample panel of stonework.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request

4.1.2 Welsh Water – no objection subject to condition re surface water drainage.

4.1.3 Natural England – no objection subject to appropriate mitigation.

4.2 Internal Council Consultations

4.2.1 Historic Buildings Officer -

Recommendations: The proposals would alter the setting of the grade 2* listed Almeley Manor, however it is felt that this is less than substantial harm at the lowest end of the scale and this should be weighed against the benefits of the proposals. Conditions should be imposed relating to materials, joinery details, guttering, colour scheme and landscaping.

Background to recommendations: There are a number of heritage assets nearby including Almeley Manor (Grade 2*), the Grade 1 listed Church and the site is within the Almeley Conservation Area. As such the proposals should seek to enhance or preserve the character of the conservation area and not harm the setting of historic buildings. We would recommend that the Council's Planning Archaeologist is contacted regarding the setting of the Castle and Historic England is also consulted regarding the setting of the high status heritage assets.

Comments: The proposals have taken into consideration the setting of the Manor by setting the housing away from the road, this also takes into consideration the typical response of vernacular housing to topography and orientation. The design of the housing takes into consideration the vernacular characteristics relating to form and design. Whilst there is a clear change to the setting of nearby buildings causing less than substantial harm this is at the lowest end of the scale.

4.2.2 Archaeologist - Clearly the development would occupy a sensitive location within the historic village, and it is also clear that *some* harm to the neighbouring heritage assets would occur.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

From my standpoint, there is a concern that - potentially - the development would compromise the setting of the nearby castle. Having looked at this matter in some detail, I have concluded that any harm in this respect would be less than substantial.

Having regard to the other heritage matters in this case, I therefore have no objections.

On the other hand, it seems to me there is reasonable likelihood of below ground remains of moderate value being disturbed by the development. Mitigation via archaeological recording (NPPF Para 141) should be required, in the event of the application being approved.

4.2.3 Ecologist no objection subject to conditions re mitigation proposals. The application has been screened under Habitat Regulations Act, - no likely significant effect.

4.2.4 Environmental Health (Contamination) - no objection suggests advisory notes.

4.2.5 Transportation Manager no objection subject to conditions.

5. Representations

5.1 Almeley Parish Council – object

It is fundamentally the same application that has come before the Parish Council before. The minor changes made do not override previous objections and worries. The application is also contrary to the emerging NDP that is soon to be submitted at Regulation 16. As a result the Parish Council wish to continue to object to this application.

5.2.1 20 letters of objection have been received raising the following matters

- Damage to historic character of the area and fails to enhance the Conservation Area.
- Outside of the village envelope in the draft NDP
- Known area for wildlife
- Expensive executive houses do not address housing need
- Traffic congestion on narrow lane
- Loss of trees
- History of even earlier refusals in 1976 and 1987
- No need for more housing in Almeley as 14 approved in Woonton and 3 more at Newhouse Farm
- Harm outweighs the 5 yr housing land supply issue
- Street scene drawing is misleading
- Most recently a letter setting out the relevant policies in the Almeley NDP having reached Reg 16.

The proposed development fails to preserve or enhance the character and appearance of the Almeley Conservation Area as required by policies ALM1(b), ALM2(a), ALM10(a).

The proposal also fails to conform to the scale, massing, density and building line and layout of this part of Almeley settlement as required by policy ALM10(b) and ALM6(c).

The proposal adversely affects the settings of nearby heritage assets, namely Almeley Manor, St Mary's Church, Almeley Castle and medieval fish ponds, Almeley House, Church House Barn and Manor Cottage in breach of policies ALM4(c) and ALM10(d)

The proposal by removing the orchard and roadside hedge to the site is in breach of policies ALM3(g), ALM6(f) and ALM10(c). As the proposed development site is outside of the new Almeley Village Settlement boundary it contravenes policy ALM10.

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Immediately to the west of the proposed site access is a blind brow on what is the major highway access to Almeley Village in contravention of policy ALM16.

- 5.3 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=180889&search=180889

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

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

6. Officer's Appraisal

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

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

- 6.2 The National Planning Policy Framework (NPPF) has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The NPPF is a material consideration in the assessment of this application.

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

- 6.4 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-

"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."

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

- 6.5 As such The LPA has a strict duty under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of development on the setting of listed buildings and character and appearance of conservation areas.

- 6.6 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. Paragraphs 131 – 134 set out what and how LPAs should consider in determining planning applications featuring heritage assets. This includes:

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- 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.

Paragraph 132 advises that

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 134 advises that

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.7 The minimum housing target for Almeley parish originally stood at 33. Since then 23 houses have been approved, (8 of which have been built). Consequently there remains a need for 10 more to achieve this minimum target. At present the Council has only a 4.54 year housing land supply (April 2017). The Almeley NDP was deposited for Regulation 16 stage consultation on 27 June. However until the completion of that stage, 22 August, it can be afforded no weight in the consideration of this application. The 'presumption in favour' of development set out in para 14 of the NPPF therefore applies.
- 6.8 Almeley is designated an RA2 settlement where 'sustainable growth will be supported in or adjacent to those settlements'... Consequently the main consideration is whether any adverse impacts associated with the development would significantly and demonstrably outweigh the public benefits thereof.
- 6.9 In this instance the main source of harm would be upon the heritage assets as set out in para 1.1 and 1.2. above. In addition to policy LD4 para's 132-134 of the NPPF apply.
- 6.10 Following the previously refused application the current proposal has been discussed with the Historic Building Officer, and further minor changes have also been submitted. The conclusion is that the impact of the development upon the heritage assets is less than substantial harm. The Archaeologist comes to a similar conclusion. It is therefore necessary to weigh this less than substantial harm, along with other material considerations against the public benefits of the scheme.
- 6.11 The Transportation Manager has no objection subject to conditions which include setting back the hedge 1m behind the visibility splays. The Ecologist has recommended conditions to the provision of appropriate mitigation/enhancement to satisfy policy LD2. A HRA screening assessment concluded 'no likely significant effect'. In terms of residential amenity it is not considered that the proposal will have any unreasonable impact upon the privacy or amenity of nearby residents

Planning balance and conclusion

- 6.12 The 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.
- 6.13 Almeley 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.
- 6.14 Matters with regards to the potential impact of the proposal upon the setting of designated heritage assets have been carefully considered. The proposals would alter the setting of the Grade I listed St Mary's Church, Grade II* Almeley Manor and Grade II Almeley House, however it is considered that this is less than substantial harm at the lowest end of the scale and this should be weighed against the public benefits of the proposals. The harm to the setting of the castle would also be less than substantial. In accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal bearing in mind the policy at NPPF 132; which reminds the decision-taker to give "great weight" to the conservation of heritage assets and that the more important the asset, the greater the weight should be.
- 6.15 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 of 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.
- 6.16 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 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 less than substantial harm which has been identified to nearby heritage assets. It is your officers' assessment, therefore, that the test prescribed at NPPF 134 is 'passed'.
- 6.17 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 when undertaking the pre-weighted balancing exercise at paragraph 14 (limb 1). The proposal

would accord with the relevant policies of the NPPF and the CS, and the application therefore 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 further conditions considered necessary by officers named the scheme of delegation to officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans (drwg nos 01,02 rev A, 03 rev A)**
- 3. C01 Samples of external materials**
- 4. D02 Approval of details**
- 5. F14 Removal of permitted development rights**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. I51 Details of slab levels**

- 9. CAC 2m with the hedgerow centre line set back 1m behind the visibility splay and maintained as such.**
- 10. CAK for each property**
- 11. CAZ**
- 12. H06 Vehicular access construction**
- 13. H05 Access gates**
- 14. H09 Driveway gradient**
- 15. H27 Parking for site operatives**
- 16. Prior to commencement of the development, a detailed scheme for the creation and securing in perpetuity the habitat security and management of the 'Biodiversity Corridor' should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved and shall be maintained hereafter as approved unless otherwise agreed 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 and ONE pollinating insect habitat home built in to, or attached to each of the new dwellings or 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. **L02 No surface water to connect to public system**
- 19. **E03 site observation – archaeology**
- 20. **I16 Restriction of hours during construction**

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. **It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use alongside a possible potentially infilled well. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land.**
- 3. **I11**
- 4. **I09**
- 5. **I45**
- 6. **I05**

Decision:

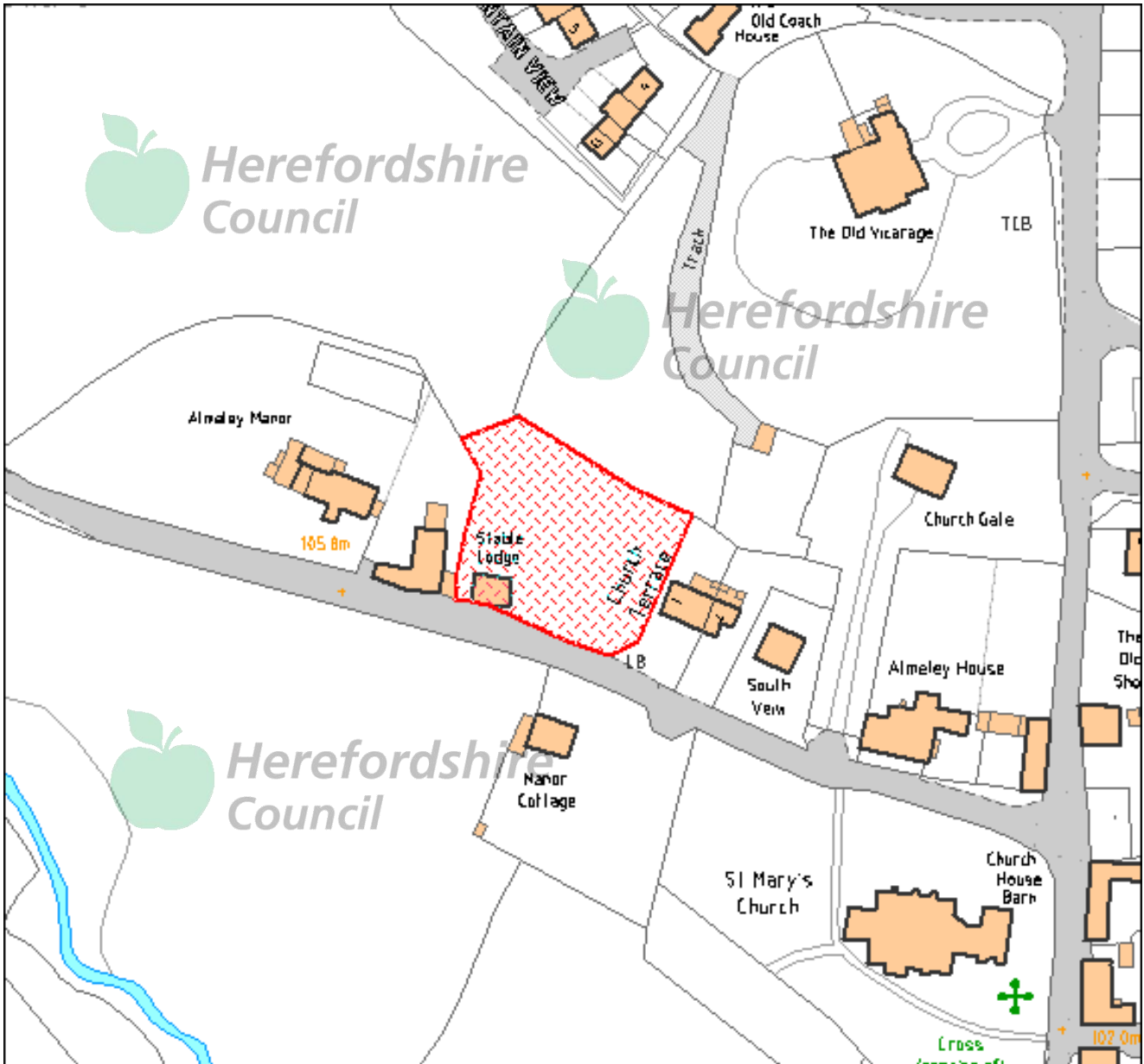
Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815



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APPLICATION NO: 180889

SITE ADDRESS : LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB

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