

Agenda

Planning and regulatory committee

Date: Wednesday 21 November 2018

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

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

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

For any further information please contact:

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

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor J Hardwick
	Councillor BA Baker
	Councillor CR Butler
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor EL Holton
	Councillor TM James
	Councillor MD Lloyd-Hayes
	Councillor FM Norman
	Councillor AJW Powers
	Councillor NE Shaw
	Councillor WC Skelton
	Councillor SD Williams

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 declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
5.	<p>172156 - HAZELFIELD, BROAD OAK, HEREFORD, HR2 8QZ</p> <p>Erection of dwelling for agricultural manager.</p>	11 - 26
6.	<p>182130 - NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL</p> <p>Proposed change of use of residential dwelling to office accommodation.</p>	27 - 38
7.	<p>150041 - THE MASTERS HOUSE, ST KATHERINES, HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA</p> <p>Landscaping of the masters house to enhance its setting.</p>	39 - 52
8.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – Monday 17 December 2018</p> <p>Date of next meeting – Tuesday 18 December 2018</p>	

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YOU HAVE A RIGHT TO: -

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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Public Transport Links

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

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The council makes official audio recordings of meetings. These recordings are available via the council's website.

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

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

The Chairperson 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 EL Holton	Herefordshire Independents
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 NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

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

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

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

Who attends planning and regulatory committee meetings?

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

Pale pink	Members of the committee, including the chairperson and vice chairperson.
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.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

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.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 November 2018
TITLE OF REPORT:	172156 - ERECTION OF DWELLING FOR AGRICULTURAL MANAGER. AT HAZELFIELD, BROAD OAK, HEREFORD, HR2 8QZ For: Mr Breakwell per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172156&search=172156
Reason Application submitted to Committee – Redirection	

Date Received: 13 June 2017

Ward: Birch

Grid Ref: 347700,219722

Expiry Date: 31 January 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The application site consists of a farmstead located to the west of the C1239 and is approximately 1.5km to the south of Broad Oak. The farmstead relocated to the current location from Llanrothal Court to the west in 2005/06 following conversion of the barns on that site and consists of three main agricultural buildings – a fodder store, grain store and part workshop and a covered yard with central feed passage. The farmstead currently amounts to 225 acres for arable cropping, approximately 60 suckler cows and typically between 250 – 300 ewes.
- 1.2 The majority of the land and buildings are within the ownership of the applicant's parents with some land in the applicant's name. Hazelfield House lies at the access to the highway and is within the ownership of the applicant's family but currently occupied by a worker on Hazelfield. There is also Hazelfield Barn to the north-west which the applicant's parents live in.
- 1.3 A static caravan was permitted on the site for the use of a stockman in 2006 with a three year temporary permission. The caravan is still on site and resided in by the applicant.
- 1.4 This application seeks planning permission for the erection of a detached agricultural workers dwelling to the south/south east of the agricultural buildings. It will accommodate a kitchen/dining room, lounge, utility and garage/store on the ground floor with three bedrooms, an ensuite, bathroom and office on the lower floor.

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

2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 National Planning Policy Framework (NPPF):

Chapter 2	–	Achieving sustainable development
Chapter 5	–	Delivering a sufficient supply of homes
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

2.3 Neighbourhood Development Plan

Garway Neighbourhood Development Plan is at the drafting stage and therefore afforded no weight at the present time.

3. Planning History

3.1 **143012/F – Proposed erection of dwelling for farm manager. Refused** on the following grounds:

The application fails to demonstrate that there is an agricultural need for the proposed dwelling and the scheme is therefore representative of an unjustified dwelling in open countryside, contrary to Policy RA3 of the Herefordshire Local Plan Core Strategy and the NPPF for the following reasons:

- i. The submission fails to substantiate an agricultural need for a third dwelling to be available to the enterprise by virtue of the relatively low stock numbers and that existing dwellings available to the farmstead meet the need. The proposal is therefore contrary to Policy RA4 of the Herefordshire Local Plan – Core Strategy and the NPPF.

- ii. Submitted accounts do not demonstrate that the business is one which is considered financially sustainable. As such, a dwelling in this location would likely become unjustified and, being in a location where housing would not ordinarily be supported, would lead to an unsustainable pattern of development. The proposal is therefore contrary to Policy RA4 of the Herefordshire Local Plan – Core Strategy and the NPPF.
- iii. The proposed agricultural need could have been met by Llanrothal Bungalow which was severed from the farmstead in 2012 at a time when the applicant was, objectively, of the opinion that Hazelfield Farm had an agricultural need for a dwelling. This is contrary to Policy RA4 of the Herefordshire Local Plan – Core Strategy which prefers that the existing housing stock be utilised to meet agricultural need as opposed to a new dwelling.

S122445/F – Removal of condition 3 – agricultural occupancy condition. Approved at Llanrothal Bungalow

DCSW2007/2372/F Proposed conversion of existing redundant barn to dwelling: Refused (Allowed at appeal) at Hazelfield Barn

DCSW2006/3290/F – Static caravan for new farmstead for a stockman (retrospective application). Approved for a temporary period of 3 years.

DCSW2006/0692/F – Static caravan on new farmstead for stockman. Refused on the following ground:

1. Having regard to Policies H16A, H20(b) and A4 of the Hereford and Worcester County Structure Plan and Policies GD1, C1 and SH17 of the South Herefordshire District Local Plan and Government Advice contained in PPS7 Annex A, and Policies S1, S3, H7 and H8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) the Local Planning Authority considers the application to be unacceptable. The caravan for an agricultural worker at Hazelfield Farm fails the functional and financial tests as outlined in PPS7 Annex A to justify that there is a genuine need for the caravan by virtue that there is the existing farmhouse upon the agricultural holding. Thus the proposal does not outweigh local plan policies and Government Advice, which seeks to strictly control development within the open countryside.

There have been six permissions on the site for various agricultural buildings and a prior approval application for a track.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objection

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

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

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

I see from the plans that Foul water is proposed to be managed by a new Package Treatment Plant with final outfall through a soakaway field. This is supported and will ensure no direct release of potential contaminating phosphates (or residual nitrogen or suspended solids) in to local water courses with associated detrimental impacts on water quality and local ecology (in line with Core Strategy Policy SD4). I would request that this management of foul water is subject to the standard implement as per agreed plans Condition if permission is granted.

In line with national guidance (NPPF & NERC Act) and local Core Strategy (Policy LD2) all developments should show how they will enhance the local biodiversity value. To ensure this I would request a relevant pre-commencement condition is included.

Nature Conservation – Enhancement

Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Informative:

The enhancement plan should include details and locations of all proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for significant proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia, 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.

4.3 **Conservation Manager (Landscape) - Qualified comment**

The application is for an agricultural dwelling on land at Hazelfield, an earlier application (P143012/F) was refused in December 2015 on grounds that the application failed to demonstrate an agricultural need for the proposed dwelling.

I have visited the site and walked its extents with the applicant. The site comprises a levelled area just west of the apex of the hill (188m AOD), it has 2 large agricultural units set back on a plateau to the east of the site, with a smaller open sided barn sitting at the top of the ridge on the western edge. The land falls steadily away to the west in the direction of the River Monnow.

The site benefits from screening by both vegetation and landform on three sides, however along the western boundary views from the wider landscape are possible. The proposed house is substantial in scale and there is potential for adverse visual effects as a result of the proposal, in what is essentially a natural landscape.

I have discussed with the applicant the potential for relocating the location of the dwelling immediately north of the larger units upon the existing plateau which is a less prominent location, however I recognise the need for surveillance.

An alternative approach would be to reconsider the nature and scale of the proposal. A number of revisions could be made to secure a development which will blend into the wider landscape rather than act as a focal point. I will set these out below in order that these can be considered by both the case officer and the applicant:

- The current proposal is relatively substantial in size a proposal more modest in scale may be more appropriate in this location. This could be achieved by several means; consideration given to the height in particular in relation to the existing adjacent barn.
- A split level proposal would reduce the degree of prominence along the western edge.
- The use of local materials in keeping with the local landscape character type; Sandstone Farmlands; such as stone slate would ensure the proposal assimilated into its surroundings.
- Appropriate landscaping in the form of trees and hedgerows would soften the built form along the western boundary.

4.4 **Transportation Manager - No objection subject to recommended conditions**

4.5 **Public Right of Way Officer – No objection**

We have received an application for a by way open to all traffic, as shown on the attached plan. The proposed dwelling will not affect the BOAT, but the applicant should be made aware of the application.

4.6 **Agricultural/Rural Business Consultant – No essential need for a further dwelling** (an extract from the consultation response is found below)

Clause 28 of the National Planning Policy Framework (NPPF) states that local planning policy should, in future, promote the development and diversification of agricultural and other land based rural businesses. In accordance with Clause 55 of this framework, local planning authorities are required to promote sustainable development in rural areas with regard to housing but “should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.”

This exact wording originated from clause 10 of PPS7, the only difference being was that clause 10 went on to recommend that planning authorities should follow the advice in Annex A to PPS7.

Despite the status of the NPPF, Annex A of PPS7 provided clear criteria to assess the ‘essential need’ for a dwelling. This guidance is tried and trusted and continues to be used by professionals and accepted as a process for assessing essential need by planning inspectors, and one which I continue to use.

Importantly, Policy RA4 – Agricultural, forestry and rural enterprise dwellings of the Core Strategy clearly reflects the criteria of justification as set out in PPS7.

Functional Need

The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal

welfare issues that are likely to arise throughout the majority of the year and during the middle of the night.

The majority of duties associated with any livestock, will largely be routine, but naturally there would be times as with most livestock enterprises where urgent action might be necessary for welfare reasons eg calving cows.

Generally during the farming year, the majority of livestock husbandry duties involving housed cattle would be routine such as handling, sorting, feeding, checking, and treating, which in any case would be carried out during the working day, with a check first and last thing.

However, during calving time there will be need for extra vigilance and frequent observation, which will require some attendance outside normal working hours. In some cases, calving might need to be assisted, and possibly a vet might be required. There will also be after birth care for calves in some cases which again might well involve an out of hour presence. Suckler cows are hardy beasts and frequently calve unaided without any complications, however there would be a functional need for there to be an experienced stockman within easy access of the cows during the spring calving period.

With regard sheep enterprises then for the majority of the year the sheep will be out to grass.

However, during the actual lambing time there will be required for there to be somebody on duty in and around the ewes during the day and night time hours.

The important point to make here is that whether there is a dwelling on site or not, does not affect the welfare of the ewes and lambs during lambing, since lambing is something that is planned for, and the duties to be actually in and around the lambing ewes can be likened to shift work.

In other words, a dwelling on site is superfluous when comes to the practicalities of lambing, as the person responsible will be in and around the ewes and not inside a house.

Even if it was found that there was a functional need for there to be somebody based on site during the lambing period, it would only be for a few weeks of the year, in other words at best a seasonal need.

Some farming businesses station a touring caravan on site to house a student (typically veterinary or agricultural) during seasonal lambing. Not necessarily because there is a functional need, but to provide "off shift" accommodation for that person who might have come far, and the business not being in a position to source short term accommodation, plus of course provision of basic facilities where they are not already on site.

A touring caravan can be useful during seasonal calving where there is no nearby dwelling available and an overnight stay is considered prudent further to a last thing check and for example a cow is showing signs.

Arable farming does not create a functional need to be on site. Of course, there are issues of security and potential theft of equipment, and a house on site will serve as a deterrent. Although this might contribute to the functional need for an onsite presence it does not equate to an overriding need.

Overall it would seem that there is a functional need for there to be somebody based on site for the spring through to early summer period. For the rest of the year the stock will be out to grass or can be managed out of hours with checks last and first thing. In other words, the functional need for somebody to be on site is a seasonal requirement.

Full time labour

The management of the livestock enterprises would justify at least one full time worker.

Establishment and viability

A dwelling cannot be considered essential unless the enterprise on which the proposed essential need is based is likely to continue into the foreseeable future, which in turn is reliant on the enterprise being able to survive financially.

I have had sight of historic farm accounts and it is clear that the farming business is viable and that the beef and sheep enterprises make a significant contribution.

Other Dwellings

The question is whether or not there is an existing dwelling that is available or potentially available to the business that would cover any functional need requirement.

A functional need to be based on site when it comes to cattle does not mean that the stock need to be within sight and sound of somebody. However, that person should be with easy walking distance for easy checking and monitoring during calving for instance.

I do not think that much weight can be given to Llanrothal Bungalow due to the lifting of the tie and sale 6 years ago.

Some weight can be given to Hazelfield Barn. Although the conversion was intended for the applicant's parents to retire to and there is no agricultural tie, the case at present is that it is in the same ownership as the majority of the farm, and could be made available.

Hazelfield House, is less than 250 metres from the farmstead buildings at the track entrance. It is therefore well positioned in respect of security and easy access to the buildings. It is occupied by the farm worker and his family however it could be made available to the applicant by choice. The fact that the farm worker would have to re-locate is not a reason to render the dwelling unavailable for the purposes of assessing essential need.

Conclusion

There is currently no essential need for the development of a further dwelling at Hazelfield.

5. Representations

5.1 Welsh Newton & Llanrothal Group Parish Council – Object (adjacent parish)

1. The applications fails to demonstrate that there is a sustainable agricultural need for an additional dwelling
2. Tied to point 1 above, the submitted information does not adequately establish that the business is one which is considered financially sustainable in the mid to long term
3. The proposed accommodation need could have been met by Llanrothal Bungalow. The fact that the decision was made 4 years ago to sever that property from the farm, must have been made on logical and economic grounds. It is unlikely that the agricultural and business case would have completely reversed in 4 years.

5.2 To date a total of **24 letters of support** for the proposal. The contents of these are summarised below:

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

- Account Manager for the farm states that the bank wish to support and fully fund if required the building of a dwelling and consider the request to wholly valid and appropriate
- Have been employed by the applicant and lucky enough to move into the farmhouse at the top of the drive and work at Hazelfield and Caldicott Farm. I support the local community, businesses and my children attend the local school
- The applicant has lived on the site for years for security and welfare of the farm. The need has been demonstrated by the applicant living in a temporary mobile home for years
- A new build will not have detrimental effects on the local community by blighting the landscape, creating a new access or increasing pressure on resources
- Other permissions have been granted and are far more visible than this application
- Building does not impinge on the views of neighbours and will blend in
- There is no accommodation in the area to rent
- Having a stockman living on site greatly improves the management of the herd and its welfare
- Is a logical progression from the decision to move to the farm in 2004 given the sale of the bungalow at Llanrothal, the farmworker residing in Hazelfield House and the converted barn being occupied by the applicants parents
- Helping the applicant grow his business would have a positive effect on the local economy
- Applicant business is not only sustainable from a business point of view but also the way it utilises solar and wind energy and encourages wildlife and habitat
- As a young keen farmer he should have the opportunity to push his business forward
- Need to allow farm businesses to build a productive, profitable and progressive industry for the future.

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=172156&search=172156

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

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

6. Officer's Appraisal

Policy context and Principle of Development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

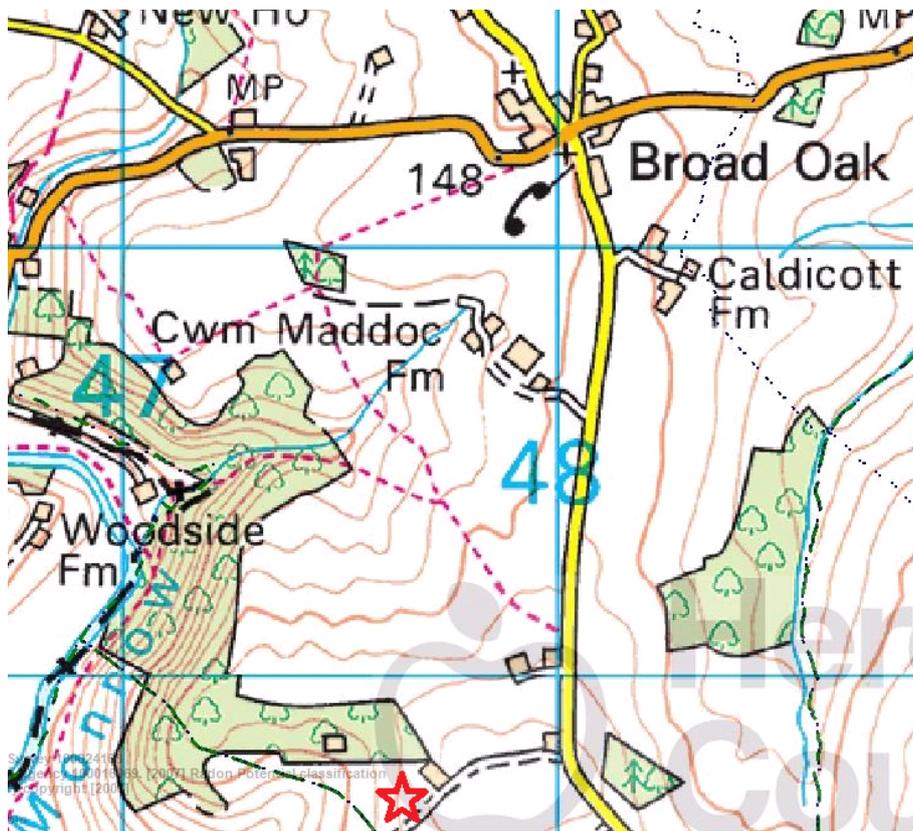
6.3 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

6.4 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with

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

the development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy continue to attract significant weight.

- 6.5 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.6 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.7 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. The nearest settlement to the application site that is identified within either figure 4.14 or 4.15 is Broad Oak which lies approximately 1.5km to the north.
- 6.8 Notwithstanding the above, the preamble to Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, while Garway is currently drafting an NDP this cannot be afforded any weight. As such, it is the relationship between the site and the main built up part of the settlement that is to be assessed.
- 6.9 The site is indicated by the red star on the following map and indicates the relationship between it and the main part of the nearest settlement.



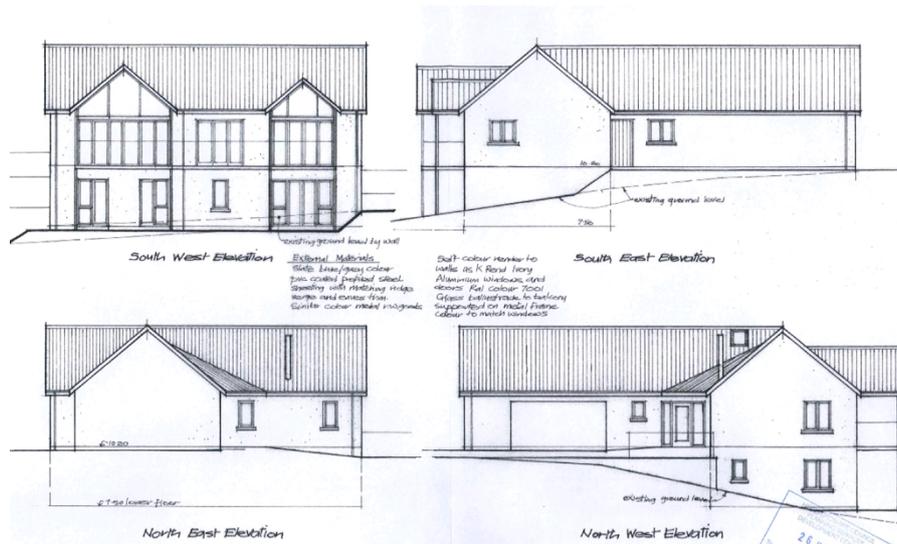
- 6.10 With the above in mind, the site is found to be located away from the main built up part of the settlement and divorced from it. As such, the proposal does not meet the aims of policy RA2.
- 6.11 In such locations where there is conflict with policy RA2, the proposal falls to be assessed against policy RA3. This policy includes a list of excepted residential developments where sites lie outside of settlements and therefore in open countryside. One excepted criteria is stated under criterion 1 of this policy is where a proposal *meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4.*
- 6.12 Policy RA4 states that proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated there is a sustained essential functional need for the dwelling and forms an essential part of a financially sustainable business and that such need cannot be met in existing accommodation. This is an approach supported by paragraph 79 criterion 1 of the National Planning Policy Framework. Policy RA4 states that such dwellings should:
1. demonstrate that the accommodation could not be provided in an existing building(s);
 2. be sited so as to meet the identified functional need within the unit or in relation to other dwellings and
 3. be of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape.
- 6.13 Having visited the site, while I acknowledge there are no buildings that could be converted to such accommodation, there is Hazelfield House at the entrance to the site within the applicant's family's ownership as well as Hazelfield Barn to the north west. I note that the previous refused application made reference to Llanrothal Bungalow. However, as this had the agricultural tie lifted and has been subsequently sold a number of years ago, I appreciate that this does not represent a viable option for the applicant. It is however a consideration when weighing up the need for a further dwelling. While the presence of the caravan on the site is noted, no weight is

attached to this fact given that it is on the site unlawfully and should have been removed in 2009.

- 6.14 Accounts for the year ending March 2017 have been submitted in support of the proposal. These have been viewed by the Council's Agricultural/Rural Business Consultant and as can be seen from his comments above, there is found to be no essential need for the development of a further dwelling on the site.
- 6.15 In light of the above, the proposal is found to conflict with policy RA4 and therefore does not represent an exception to residential development in the open countryside. The principle of this type of development in this location is therefore found to be unacceptable. Notwithstanding this, the technical areas of the application will be assessed below.

Design and amenity

- 6.16 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact. Paragraph 127 of the National Planning Policy Framework reinforces this stating that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.17 In terms of impact on the landscape policy LD1 of the Core Strategy is also relevant stating that development proposals should demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection.
- 6.18 The materials for the dwelling include slate blue/grey coloured pvc coated profiled steel sheeting on the roof with rendered elevations using K rend in ivory. While the site is not directly adjacent to other dwellings, Hazelfield House benefits from rendered elevations and Hazelfield Barn is a converted stone barn. Given the proximity to the modern agricultural buildings, the proposed materials are not found to be completely out of keeping with the context. If approved exact details of these would be conditioned.
- 6.19 The building will be a an 'L shaped' dwelling with a two storey element and single storey projection to the front. This is as a result of the topography of the site, which slopes from north to south. Notwithstanding the materials being acceptable in this location, the scale of the building is large with a length of 19.7m in total when viewing from the south east and a width of 14m from the south west. The elevations below indicate the large proportions.



6.20 While the metal roof may be redolent of an agricultural building, the form and design of the dwelling is not found to have been influenced by the rural context of the site. The proportions are more akin to a dwelling within an suburban setting, particularly from the south west and arguably the most prominent view given its open boundary. The scale is not in keeping with a rural cottage vernacular nor converted agricultural building, something far more likely to be found in this location, and will appear stark when viewing from the south and south east. The inclusion of the dormers punctuating the roof are a domestic feature and while the backdrop of the agricultural buildings is appreciated, this feature will draw the viewers eye. The solid to void proportions are also at odds with the simple nature of the site at the present time. I would argue that the fullest opportunities have not been taken to design a dwelling that responds fully to its context. As such, conflict with policies SD1 and LD1 is identified.

6.21 Given the proximity to neighbouring dwellings, issues affecting the amenity of these occupants are not anticipated. In relation to the amenity of any future occupants of the proposed dwelling, there would be adequate private amenity space for it to function as a detached property.

Access and parking

6.22 The highways implications of any proposal are to be assessed against Policy MT1 of the Core Strategy. This policy states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposal without adversely affecting the safe and efficient flow of the traffic, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Council's Highways Design Guide.

6.23 The proposal would utilise the existing track to the farm buildings which terminates at Hazelfield Barn. Given the splays at the junction with the road, and any uplift in movements not being classed as severe, no objection has been received from the Council's Transportation Manager.

6.24 With the proposal being for a three bedroom dwelling a minimum of two car parking spaces are required to meet the standards contained within the design guide. Given the area proposed to the front of the dwelling, these could be accommodated allowing for adequate turning space.

Drainage

6.25 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many

factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.26 The application form which accompanies the proposal states that foul sewage will be disposed of by a package treatment plant with surface water utilising a sustainable urban drainage system and soakaway. Given the size of the land within the applicants ownership, these are found to be appropriate and policy compliant methods.

Planning balance and conclusions

- 6.27 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.28 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 11 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.
- 6.29 The site is located outside of the main built up part of Broad Oak, a settlement identified for growth under policy RA2. Given the divorced relationship between the two, open market housing would not be compliant in this location. Moving onto exceptions for rural housing, the applicant seeks to make the case that an agricultural workers dwelling is required on the site. However, noting the other dwellings within close proximity to the farm that are capable of being accommodated by the applicant and the lack of an essential need for an additional dwelling on the complex, the proposal is not found to be justified.
- 6.30 Notwithstanding the in principle objection above, the design is one that does not respond positively to this open, rural location and as a result of the prominence of the site and suburban design, is found to be unacceptable.
- 6.31 In terms of the overall planning balance, in light of the lack of need for an additional dwelling and the harm identified in relation to the design, the proposal is not found to represent sustainable development and is therefore recommended for refusal in line with the reasons outlined below.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. In light of the information provided with the application, it has not been demonstrated that there is an essential need for an additional dwelling at Hazelfield, noting that there is Hazelfield Barn and Hazelfield House in close proximity to the site that could be utilised. The proposal is therefore contrary to policies RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and paragraph 79 of the National Planning Policy Framework.**
- 2. The proposed dwelling, by virtue of its scale, prominence and overall design approach, is not one that has been influenced by the local context of the site and**

would result in landscape harm. The proposal is therefore contrary to policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and paragraph 127 of 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

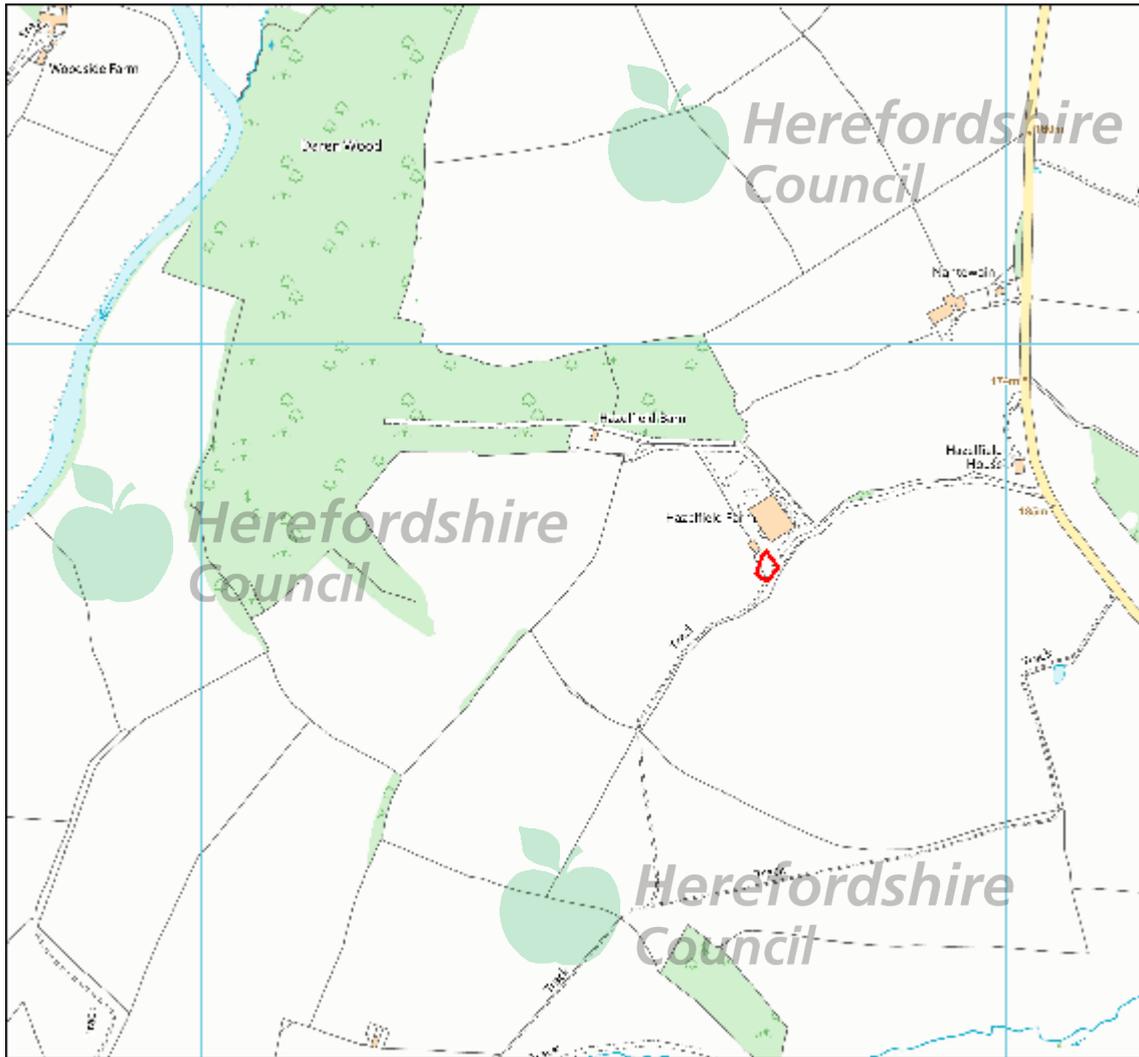
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172156

SITE ADDRESS : HAZELFIELD, BROAD OAK, HEREFORD, HEREFORDSHIRE, HR2 8QZ

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 November 2018
TITLE OF REPORT:	182130 - PROPOSED CHANGE OF USE OF RESIDENTIAL DWELLING TO OFFICE ACCOMMODATION AT NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL For: Gamber Logistics Ltd per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182130&search=182130
Reason Application submitted to Committee – Re-direction	

Date Received: 8 June 2018

Ward: Wormside

Grid Ref: 349606,236325

Expiry Date: 7 August 2018

Local Member: Councillor JF Johnson

1. Site Description and Proposal

- 1.1 The application site is New House Farm, a former agricultural building that was converted to a dwellinghouse in 2007. There was a subsequent garage and bat loft permitted in 2009 to the north. The site is located to the east of Grafton Lane with the access to the north of the dwelling and a large hardstanding/parking area. This arrangement can be clearly seen on the aerial photograph below:



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

- 1.2 This application seeks change of use of the dwellinghouse to office accommodation. The applicant, Gamber Logistics, is currently based at Pengethley on the A49 and proposes to relocate administration staff to New House Farm. The rest of the business would remain on the Pengethley site.
- 1.3 No external alterations or operational development are proposed as part of the scheme. It is purely for the change of use of the building as it stands.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 Callow and Haywood Neighbourhood Development Plan (made on 1 December 2016)

Policy CH1	–	Protecting and Enhancing the Rural Landscape
Policy CH2	–	Building and Transport Design Principles
Policy CH4	–	Protecting the Sensitive Landscapes Assets in the Urban Fringe
Policy CH5	–	Managing New Business Development in Former Agricultural Buildings and other Land-Based Rural Business Buildings

https://www.herefordshire.gov.uk/download/downloads/id/8712/neighbourhood_development_plan_september_2016.pdf

2.3 National Planning Policy Framework (NPPF)

Chapter 2	–	Achieving sustainable development
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

3. Planning History

3.1 **DCCE0009/1948/F** – Open fronted garage with bat loft. Approved

DCCE2007/2938/F – Conversion of vacant barn into dwelling and demolition of redundant farm structures. Approved

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

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No objection

No objection - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

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

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

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

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

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta.

The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions. 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 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.

Internal Council Consultations

4.2 **Transportation Manager – No objection following further clarification**

Initial Response

As stated in the pre app advice, a Transport Statement is required along with details of the existing businesses movements.

Without the provision of this information I can not look to review the site and therefore ask for a refusal.

Further Response

Clarification was submitted by the agent for the application, and subject to the use of the building being conditioned for offices, the Officer no longer objects.

4.3 **Conservation Manager (Ecology) – No objection**

Based on supplied information and if relevant, General Binding Rules concerning required soakaway outfalls from new septic systems, there are no identified unmitigated Likely Significant Effects on the River Wye SAC

5. **Representations**

5.1 **Callow and Haywood Group Parish Council – Object**

The Callow & Haywood Group Parish Council are minded to object to the application due to there being no design and access statement plus no real indication as to why this building should be changed from residential to business use. It is believed that the application might be related to activities on an adjoining site, which might generate considerable vehicular activity, which would be inappropriate in this location, with its poor road access. It is suggested that the proposal should not be judged without a clear and full statement about the linkage to another site that might be the reason for this change of use application.

If the intense use of the adjoining site, as suggested by the applicant to the Chair of the Parish Council, is proposed, then there are believed to be alternative and more appropriate sites for the development of this activity. Until the missing details are provided the background agenda for this application remains unclear and consequently cannot be supported by the Parish Council.

5.2 To date a total of 17 letters of objection to the proposal. The contents of these are summarised below:

- No planning notices were visible
- Contrary to NDP in terms of traffic implications and loss of 4+ bedroom residential unit
- Contradicts with the UDP (which is now out of date having been placed with the Herefordshire Local Plan – Core Strategy in 2015).
- Approval will set a precedent which the applicant will use in the future for the development of adjacent site
- Gamber business is farm poultry solar and general cleaners, packing and processing potatoes, poultry litter buyers and sellers, stock feed buyers and sellers, maize and beet buyers and sellers. All of these activities are on a year-round basis with clearly consequent storage and movement
- They have bigger plans than stated included parking equipment on the site and 2-3 mobile homes for 18 staff
- Activities of applicant will involve considerable vehicle movements which would have an unacceptable affect upon residents of Grafton Lane and the roadway itself. Workers both working and possibly living on site
- No reference to the additional site which has been owned, used or enjoyed by the named Owner/Agricultural Tenant
- No design and access statement has been submitted
- With 5 car parking spaces proposed there would be an additional 5 journeys to and from the location at each working period by car as there is no public transportation which passes
- No measures detailed to ensure traffic is compatible with the rural area or communicated to neighbouring properties to ensure satisfactory relationship with particular regard to noise and disturbance
- Concern in relation to type and quantity of vehicles using narrow part of Grafton Lane near sharpish bend. Several HGVs have recently been completely stuck on the corner of the lane
- Lane will not support two vehicles and is used as rat run and therefore gets higher traffic than expected
- Appears that traffic is likely to increase if the Southern Link Road maintenance road is granted planning permission as it would appear this would run from the same corner
- Unsure if traffic boxes on the road are related to the applicant. If so they have been placed during school holidays and won't be an accurate reflection
- The working period is declared as unknown although it says it will accommodate existing 5 employees
- Section 18 of application form states B1(a) is proposed whereas section 20 states A1
- Plan does not indicate garage with bat loft. Integral bat mitigation which was conditioned on the conversion of the dwelling is also not detailed
- The Christmas tree business at the site is likely to be continued and there is also a clay pigeon shooting business which may or may not be continued
- Since the construction of the Sustrans Cycleway the lane has become popular with pedestrians, dog-walkers, cyclists and families
- Should be specific prohibitions to stop storage or processing of chicken manure which will cause antisocial smell pollution and put off future buyers of existing properties and any planning developments
- Site falls with the Hereford Local Enhancement Zone 6 and is not the place to site a waste management and bulk haulage company
- More suited rural industrial estates for this type of use

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

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=182130&search=182130

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

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

6. Officer's Appraisal

Policy context

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Callow and Haywood Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 1 December 2016.

6.3 With the proposal seeking planning permission for the change of use of a dwelling to offices, policy E1 of the Core Strategy and policy CH5 of the NDP are relevant in the first instance.

6.4 Policy E1 states that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. Development proposals which enhance the employment provision and help diversify the economy of Herefordshire will be encouraged where:

- The proposal is appropriate in terms of its connectivity, scale, design and size;
- The proposal makes better use of previously developed land or buildings;
- The proposal is an appropriate extension to strengthen or diversify an existing business operation;
- The proposal provides for opportunities for new office development in appropriate locations.

6.5 Policy CH5 of the NDP states that small scale and appropriate conversion of former agricultural buildings to offices, workshops and other businesses is supported as part of farm and other land-based rural businesses diversification and economic growth in the rural area. Where planning permission is required, changes of use of former agricultural buildings to business will be required to demonstrate:

- 1) Access is suitable for the proposed use and will not adversely affect the local road network;
- 2) Appropriate landscaping is provided;
- 3) Adequate noise attention measures and measures to mitigate the effects of external lighting are provided; and
- 4) Suitable measures are put in place to ensure that any traffic generated by the proposed use is compatible with the rural area and has a satisfactory relationship with the occupiers of any nearby residential property with particular regard to noise and disturbance

Development should ensure that there would be no adverse impact on the natural environment, especially on the River Wye SAC.

Principle of development

- 6.6 The proposal seeks planning permission for the change of use of New House Farm to office accommodation. The application has been submitted by Gamber Logistics in order to relocate the administration side of the business from the existing site at Pengethley on the A49. However, the application seeks planning permission for the office use and any such approval would not control who the end user was. In light of this, the impacts of the proposed office use will be assessed as opposed to the applicant.
- 6.7 The building was granted change of use from a redundant barn to dwellinghouse under planning permission granted in 2007 with a garage and bat loft subsequently approved in 2009. The building benefits from a large parking area to the front (north) and is accessed to the east of Grafton Lane.
- 6.8 It is acknowledged that the proposal does not fit neatly within the NDP policies given that it seeks planning permission for an already converted former agricultural building. However, while the proposal does not represent an extension to an existing business on this site, it does seek to provide economic growth in a rural location and diversification of a business located at Pengethley. As such, the proposal is considered to largely accord with the starting point of policy CH5. Policy E1 also specifically seeks to support opportunities for office development where they are in appropriate locations.
- 6.9 In relation to the criteria contained under policy CH5, the Council's Area Engineer initially had concerns with the proposal if the whole business were to be relocated to the site. This being on the basis of the logistical nature of it and the associated vehicular movements, in terms of both types and numbers. However, the agent for the application clarified that the building will only be used for five administration staff with lorries and deliveries remaining at the existing base at Pengethley. In assessing the use of the building for offices only (for which permission has been applied) the associated movements are not found to adversely affect the local road network. Furthermore, the vehicles could be safely accommodated within the site and off the road, given the large hardstanding to the front. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, would be severe. Given the nature of the proposal, for offices only, the proposal would not lead to severe impacts that would justify refusal of the scheme.
- 6.10 The application is for change of use of the building with no operational development proposed. As such, there would be no impacts on the external elevations. Notwithstanding this, as there are permitted development rights for offices, I find it reasonable to remove these in order to retain the agricultural character of the barn. Additional landscaping is not considered to be required in this circumstance given that the wider landscape will not be affected.
- 6.11 With the nature of the end use in mind, offices for administration work, there is not considered to be a requirement for noise attenuation measures. With regard to external lighting, the building already benefits from this to the front and rear. This is found likely to be of an adequate level for the use as offices but I find it reasonable to condition that should any additional ones be required, the approval of the local authority should be sought beforehand.
- 6.12 With regard to the compatibility of the use in this location, a B1 office use is not likely to give rise to noise or disturbance that would affect the amenity of the occupants residing in neighbouring dwellings. While there may be more cars utilising the building than as a dwelling, as stated above, this is not a reason to refuse an application in its own right. In both highways terms and amenity impacts, these are not at a level that would justify refusal.

- 6.13 The foregoing paragraphs assess the compliance of the proposal against the criteria of policy CH5 – they also largely cover the points of policy E1. However, criterion 2 of that policy does touch on whether the proposal results in a better use of previously developed land or buildings. As a consequence of the application there would clearly be a loss of a residential unit and this has been touched upon within representations received. While this is noted, as is the lack of five year housing land supply at the present time, on balance the diversification of an existing rural business, and the associated economic benefits of this, is considered to outweigh the loss of one residential unit.
- 6.14 Taking into account the above, the principle of the re-use of the building for offices is found to be compliant with policies CH5 and E1. Notwithstanding this, the technical areas of the application are assessed below.

Drainage

- 6.15 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.16 The application form that accompanies the proposal states that a septic tank will be utilised for foul sewage and surface water disposed of by a soakaway. While package treatment plants should be utilised in the first instance, the existing drainage methods will be used for the change of use. The Council's Ecologist has had sight of these methods and does not object to the proposal finding that there are no identified unmitigated significant likely effects on the River Wye SAC. An Appropriate Assessment under the Habitat Regulations is not found to be required given the existing use and drainage arrangements that are already in situ.

Other matters raised in representations

- 6.17 In relation to planning notices, it is understood that while two were displayed by the case officer these may have been taken down prior to the end of the public consultation period. Notwithstanding this, the period was extended by an additional 6 weeks to allow for any comments to be made and considered.
- 6.18 Each application is assessed on its merits and does not result in precedents.
- 6.19 As stated above, while the use of the applicant is noted, only what has been applied for is assessed – planning permission runs with the land not with an individual. If approved, a condition regarding the use would be attached to any decision notice. Should development take place in the future that results in a material change of use this would require its own application and assessment at that point.
- 6.20 While there may be a discrepancy on the application form, the proposed use of the building is clear from the description. It is not found that this error renders the application invalid.
- 6.21 The agent for the application has confirmed that the garage permitted in 2009, and providing ecological mitigation, will be retained. However as this benefits from planning permission in its own right and would not be deemed development if removed, its retention in perpetuity cannot be secured.

- 6.22 While neighbouring uses of land are acknowledged, they are not found to have a cumulative impact, inclusive of the proposed office use, which would cause a level of harm that justifies refusal of this application.

Planning balance and conclusion

- 6.23 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.24 In terms of the economic arm, there are clear benefits as a result of the diversification and retention of an existing rural business relocating its administration staff. The loss of one residential unit is noted but this is found to be outweighed by the economic benefits of the proposed use.
- 6.25 It is acknowledged that the site does not benefit from a market town or industrial location. However, at the scale proposed this is not found to be an unacceptable location. Furthermore, the re-use of an existing building has its own sustainability benefits.
- 6.26 In terms of social implications, as a work place it is unlikely that users would become involved in the community but the loss of one residential property in this respect is also found to have a neutral impact as opposed to a detrimental one.
- 6.27 In terms of the overall planning balance, in context that in the absence of demonstrable adverse impacts and the benefits arising in the economic dimension, that the scheme is representative of sustainable development.

RECOMMENDATION

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

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C10 Change of use only details required of any alterations**
- 4. C57 Restriction on Use**
- 5. C65 Removal of permitted development rights**
- 6. CC2 External lighting**
- 7. CAL Access, turning area and parking**

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.**

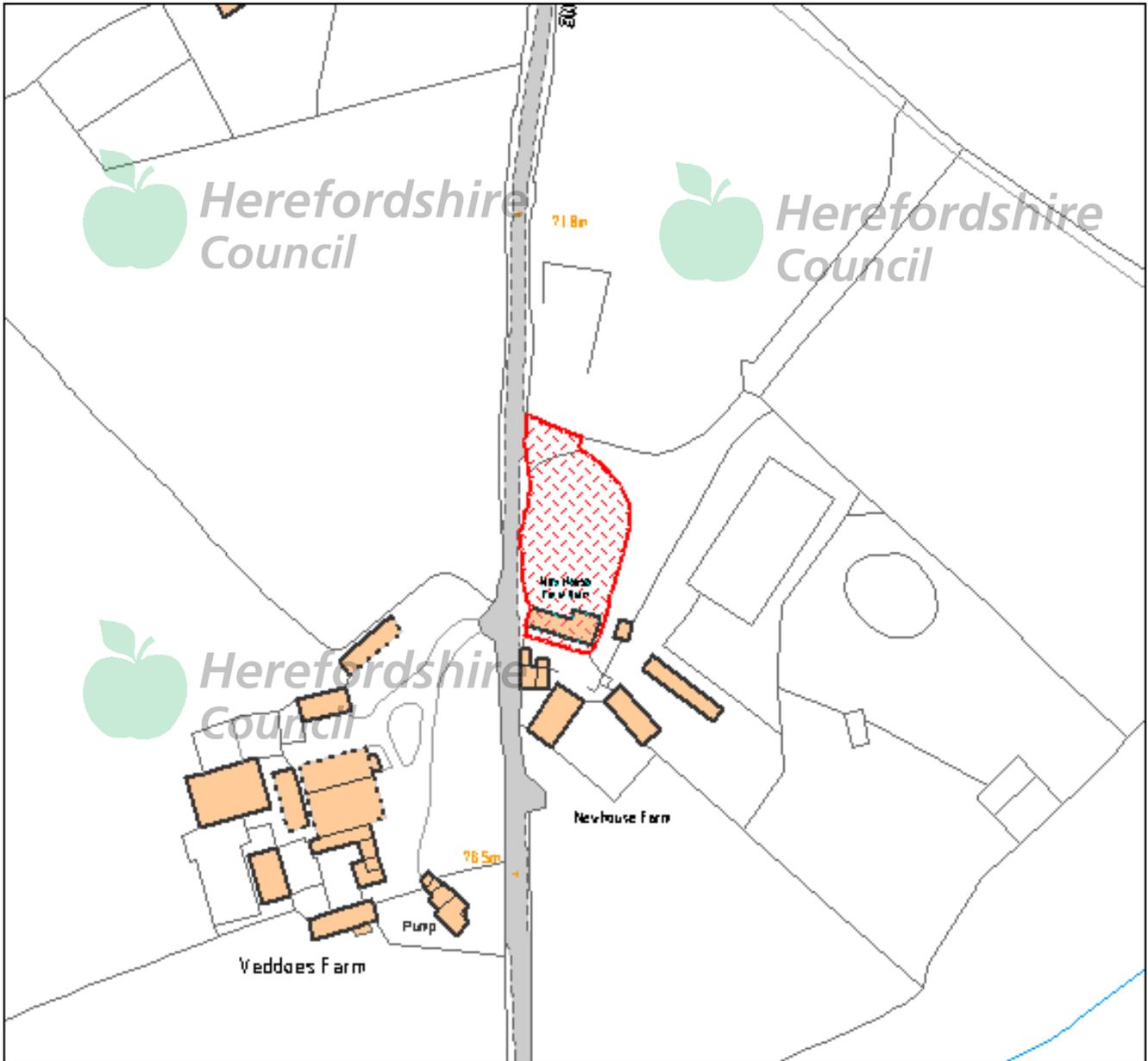
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182130

SITE ADDRESS : NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 November 2018
TITLE OF REPORT:	150041 - LANDSCAPING OF THE MASTERS HOUSE TO ENHANCE ITS SETTING AT THE MASTERS HOUSE, ST KATHERINES, HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA For: Mr P. Huggett (Special Projects Officer) Herefordshire Council c/o Ruth Sears, One Creative Environment Ltd., 5 The Triangle, Wildwood Drive, Worcester WR5 2QX
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=150041&search=150041
Reason Application submitted to Committee: – Council application.	

Date Received: 8 January 2015 Ward: Ledbury North Grid Ref: 371033,237649

Expiry Date: 17 September 2018

Local Member: Councillor EPJ Harvey

1. Site Description and Proposal

Description of Site & Background

- 1.1 Whilst this application relates to the entirety of the St Katherines car park in Ledbury, it primarily relates to a space that has the Grade 2* listed 'Masters House' (fifteenth century private residence for the Master of St Katherine's Hospital) to the north, the Grade 2* St Katherine's Hall and Chapel (fourteenth century originally the St Katherine's Hospital) to the east and Grade 2 seventeenth century barn to the south.
- 1.2 The St Katherine's Hospital complex is one of the most important surviving medieval hospital sites in the country. Hospitals like this were fairly common in the Middle Ages, but few have been retained in their entirety.
- 1.3 In the Middle Ages, 'hospital' didn't mean what it does today. St Katherine's was something like a cross between a church, a hostel and a soup kitchen. It stood right in the centre of the town, amidst all the hustle and bustle of everyday life, offering hospitality to the needy, pilgrims and other travellers.

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- 1.4 St Katherine's Hospital was founded in 1231 by Bishop Hugh Foliot to provide for the spiritual as well as the material well-being of the poor and the aged, the sick and the distressed, travellers and pilgrims.
- 1.5 A small group of men (and women from 1238) called 'brethren' looked after poor and needy local people by giving them 'alms' (food, shelter and care).
- 1.6 St Katherine's Hospital was run from day to day by a Master, chosen initially from amongst the brethren of the hospital. The Master was in charge of the hospital and the brethren and managed its estate.
- 1.7 Not only is the aforementioned buildings of national significance in their own right but also collectively as a group.
- 1.8 Members may recall that the Masters House (in the Council's ownership) was restored between 2011 and 2015 and its restoration resulted in numerous awards including:-
- RIBA West Midlands Conservation Award 2016; and
 - RIBA West Midlands Building of the Year 2016
- 1.9 Members will be aware that the Masters House, is home to Ledbury's Library and much more including the Ledbury's Community Resource Area. St Katherine's Hall is a Community Hall. St Katherine's Chapel is in the parish of St Michael's Ledbury, falling under the jurisdiction of the Diocese of Hereford. The Chapel is used every week for communion services and for other occasional services. The seventeenth century barn has been vacant for many years and is currently in private ownership. It is understood that this building has recently been the subject of some repair works. That building has a "nil use". It is understood that the owner(s) of that building *may* still have a desire to use it at a future date (*subject to containing the requisite permissions*) as a café and art gallery.
- 1.10 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 effectively places a statutory duty on Local Planning Authorities in exercise of their Planning functions to preserve or enhance the setting of listed buildings. Clearly a surface level car park is not characteristic of the original setting of the Masters House nor is it an appropriate setting. Nevertheless the value of a surface level town centre car park in this location is recognised.
- 1.11 Therefore it has long been the objective of the Council and others (e.g. friends of the Masters House) to enhance the setting of the Masters House. Essentially until relatively recently the finance has not been available to undertake these works. However, as part of the planning permission for the out-of-centre Aldi store that opened last year the Local Planning Authority secured a financial contribution of £120,000 to be spent on "landscaping improvements" to the Grade 2* listed Masters House. Those monies have been secured and a landscaping scheme has been designed by an appointed professional practise.

Proposal

- 1.12 Whilst the setting of the Masters House clearly extends across the entirety of the St. Katherine's car park the scheme design has been limited to the most sensitive areas recognising both the functional value of the surface level car park to the Town Centre and the budgetary constraints.

1.13 In summary, the proposal involves:-

- The provision of a public square in the space between the Masters House, St Katherine's Hall & Chapel and the Barn. The landscaping scheme has deliberately been designed to concentrate on this specific space at the front of the Masters House with its direct relationship with the other two aforementioned listed buildings. Natural stone would be used within the Public Square and there would be a series of corten steel planters containing herbs and timber benches integral to the aforementioned planters. Medieval Herb Planting is the consistent theme within this public realm space and at key pedestrian entrance areas. This is a deliberate intention to reflect the history of the site as a medieval hospital by planting a range of herbs that were used in medieval times for medical purposes. A medieval infirmary herb garden grew specialist plants that were used in medicine to help the body heal itself. Within the public square uplighters would be provided to highlight specific planting and there would be recessed floor lighting. A recessed power supply would be provided below a bench. The existing etched stone plan of St Katherine's medieval hospital would be incorporated within this space. The existing information board would be relocated closer to the entrance to the Masters House.
- New paving on the entrance from Bye Street together with the provision of a rumble strip. Amenity planting in the gap between the entrance carriageway and the exist carriageway. Retained planting to the north of this vehicular entrance;
- New planting beds to the north (rear) of the Masters House which would also include planting of four new larger trees replacing the very small apple trees. These new trees would be *sorbus domestica* (Mountain Ash);
- To the south (front) of the building to the west of the entrance along the axis route to the High Street there is an existing planted area and two cypress trees. It is proposed to remove those two cypress trees and plant three new semi-mature *Acer campestre* 'Lienco' (Field Maples) trees. The existing character stones are to remain in their existing location. There would also be a degree of herb planting;
- Along the southern boundary wall of the car park and along part of the western boundary additional amenity planting is proposed including five mountain ash / rowan.
- At appropriate places removable timber bollards would be provided and litter bins.

1.14 The lighting would be time controlled to safeguard protected species (i.e. bats).

1.15 The plans indicate where seven cycle stands that could be provided at a future date.

1.16 For the avoidance of doubt the existing "self-binding" gravel is causing maintenance issues in that it is being carried into the Masters House damaging flooring. This would be replaced with a suitable hard material.

1.17 Conservation kerbing would be used and aluminium edging would be used to some landscaping.

1.18 There is a rise in the land from the Masters House to the Barn but the levels are such that all routes are 1:21 or less.

2. Policies

2.1 NPPF

- Section 12 - 'Achieving well-designed spaces'
- Section 16 - 'Conserving and enhancing the historic environment'

2.2 NPPG

'Conserving and Enhancing the Historic Environment' (Feb 2018)

'Design' (March 2014)

2.3 Herefordshire Local Plan Core Strategy 2011-2031

- SS1 – Presumption in Favour of Sustainable Development
- SS6 – Environmental Quality and Local Distinctiveness
- LD1 – Landscape and Townscape
- LD2 – Biodiversity and Geodiversity
- LD4 – Historic Environment and Heritage Assets
- SD1 – Sustainable Design and Energy Efficiency

2.4 Emerging Ledbury Neighbourhood Plan 2018 - 2031

The Examiner's report was received on 27th September 2018. The referendum is scheduled for 6th December 2018. At this stage, the NDP attracts significant weight for the purpose of decision-making.

Of principal relevance to this proposal is Policy BE1.1 Design:-

"Development should demonstrate that it is sympathetic to the character and appearance of Ledbury and where possible, that it contributes to the conservation and enhancement of the overall distinctiveness of the Neighbourhood Area. The use of design review is strongly supported."

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

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

3. Planning History

3.1 None considered to be of particular relevance to this specific proposal.

4. Consultation Summary

External Consultations

4.1 Historic England state:

"Thank you for providing amended details of the proposed landscaping scheme, please accept my apologies for the delay in my response.

As previously advised, Historic England welcomes the proposal to enhance the setting of the Master's House. Our initial advice set out in my email of 12 March 2018 raised concerns regarding the impact of the gateway arch and proposed use of aluminum for the raised planters, benches and kerbs, having reviewed the documents now provided we offer the following advice in respect of these concerns:-

It is understood that the kerbs are thin section flush features with limited visibility so we no longer have concerns regarding these. We welcome the omission of the gateway arch from the scheme.

We welcome the revised choice of corten steel for the planters and timber for the benches.”

4.2 Tree Officer States: -

“Loss of the two conifer trees: I am aware that there were various views expressed during the consultation process regarding the felling of the two conifers. Whilst the majority appeared to favour their felling my *initial* thoughts were that these are mature healthy trees with reasonable amenity value and are an asset to the car park. However, on balance I consider that the planting of three field maples in a similar location will go some way to replacing the canopy cover and amenity value of the conifers and they will, if correctly managed, become significant features as they mature. It is extremely important that the replanting and the felling are carried out at similar times to mitigate impact of the loss of two large trees.

New Planting – In my opinion the new planting of *Sorbus aria* – Whitebeam is not suitable due to constraints on space and the broad canopy spread of the species.

I think that *Sorbus acuparia* – Rowan/Mountain ash is more appropriate. Like Whitebeam it is a medium sized tree but has less of a broad canopy and is also native to Britain.

Its seasonal features are superior to Whitebeam (*Sorbus aria*), spring flowers, edible berries for birds and autumn colour. Perhaps less of an important factor but Rowan does have an abundance of historical mythology and superstition attached to it.

I consider that an appropriately worded planning condition is required to secure a five year management and maintenance regime. This must include provisions to ensure that the new trees are managed to ensure that they become establishing, including information regarding formative pruning, regular watering schedule and additional mulch added and removal of weeds/grass.”

and then further states (22/10/18):-

“The amendments to the planning application to replace the *Sorbus aria* for *Sorbus acuparia* is welcomed, the contrast of the autumn colours of the yellow of field maple and orange/red of *Sorbus acuparia* will be a welcome addition to the landscape scheme.

4.3 Welsh Water – No objections

4.4 Severn Trent Water state: “As the proposal has minimal impact on public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.”

Internal Council Consultations

4.5 Planning Ecologist – No objections

4.6 Land Drainage – No objections raised

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- 4.7 The County Archaeologist has no objection but highlights the possibility of encountering archaeological remains of moderate interest and as a consequence suggests a suitably worded condition as a precaution. This would satisfy the aims of Core Strategy policy LD4.
- 4.8 Environmental Health Section state: “From a noise and nuisance perspective our department has no objections to the proposed external lighting scheme”.
- 4.9 The Historic Building Officer states: - “We have no objections to the proposals for landscaping as they would not adversely impact those aspects of the nearby heritage assets which contribute to their significance and would enhance the setting of the group of heritage assets in the immediate vicinity by better revealing their historical functional and associative connectivity.”
- 4.10 The Landscape Officer states:
- Two existing Cyprus trees have been recommended for removal due to their lack of keeping with the historic Masters House. These two trees are mature, in good condition and provide a partial visual dilution to the adjacent car parking area. During the public consultation process these existing trees raised considerable mixed feelings for retention and removal. Taking a long term view for the Masters House and surrounding landscape and on balance, the removal of these two existing trees when replaced with large appropriate native trees is the preferred option. The three proposed Field Maple *Acer campestre* ‘Lienco’ trees will enhance the landscape adjacent to the Master’s House and have a more appropriate historical context.

The Detailed Planting Plan, 1 of 2, FOR PLANNING, Drg P0652 DR-5-008, Revision B

- The proposed trees parallel and adjacent to the boundary walls Whitebeam *Sorbus aria* have a tendency to have a broad canopy during maturity. Due to the restricted planting space in these planting beds, I would recommend a narrower native tree with more historical context such as Rowan, *Sorbus acuparia*. A robust five year maintenance regime should be associated with all the proposed trees.

The Detailed Planting Plan 1 of 2 FOR PLANNING, P0652 DR-5-009, Revision A

- With reference to the proposed planting beds adjacent to the main entrance of the Masters House a balance has been found between historical context, plant suitability in an urban setting and future plant maintenance requirements. The proposed spatial character that of no hedges and not too many plant containers, gives an open, accessible, secure feel for the car parking area, while creating an intimate and defining space near to the Masters House entrance. A robust five year maintenance regime should be associated with all the proposed planting.

I fully support this scheme, which will enhance the surrounding landscape to the Masters House. The landscape design process with its public consultation brought many interesting and conflicting views which the Landscape Designers listened to, balanced and then provided their professional expertise to create a special place within the budget provided. This proposed landscape space adjacent to the Masters House will be a great asset to Ledbury.

5. Representations

- 5.1 Ledbury Town Council SUPPORT the application.

5.2 Eight representations of support have been received on the following summarised grounds:-

- The proposal appears to be the optimum scheme given the monies available;
- The proposed scheme would enhance the setting of the Masters House;
- The planting plan is well conceived based on the historic use of medicinal and culinary herbs together with suitable shrubs and trees;
- The proposed scheme will help link the Barn to St Katherine's Hall and the Masters House with the intervening space providing a useful area for communal events; and
- The proposed scheme will be beneficial to visitors to the Town.

5.3 The Friends of the Masters House support the proposal on the following summarised grounds:-

- The proposal will enhance the setting of the Masters House and the wider St Katherine's heritage complex providing a lasting community asset

The Friends express a desire that the scheme is not only granted permission but implemented as soon as possible.

And further state:-

As a leading stakeholder (2008 – the present day) in this project and having read the various objections and suggested alterations, I wish to repeat my strong support of this complete design for the enhancement of the surroundings to the Master's House. I hope no further alterations are acted upon which might reduce the finance currently available for this provision. This plan provides a soft landscaping link with the central building and focuses on the entrance to the south side, while providing ample opportunity for seating with minimal long term maintenance. At a recent meeting of the Friends of the Master's House there was repeated unanimous support for all aspects of the design which will clear the area of mess that presently exists and will emphasise the connection between the House and its important associated neighbour, St Katherine's Hall and Chapel, helping to define the historical links while allowing easy access. Once this design has been completed there may then be opportunity to make later enhancement elsewhere in the car park.

5.4 Ledbury Civic Society supports the application. They state that:-

“ This is a perfectly adequate scheme to improve the landscape and setting of ‘The Master's House’ and we support it and it is high time that this is attended to. We would like to see this proposal proceed; so much time has been spent trying to agree this plan, further naysaying would be unproductive.”

5.5 Five representations (four of which were also an expression of support) have been made providing the following general comments / observations:-

- It is a pity that the courtyard area is not planned to be level as this is an ideal space for community events, market stalls etc.
- Suggest that the planters be deleted or reduced in number;
- Suggest that a hedge define the western edge of the proposed public square and the retained car park;
- The space should be greater to accommodate larger community events;
- Wish to ensure sufficient area to maintain the western gable end of St Katherine's Hall & chapel;
- The two-sided information board appears to be in a cramped position;

- The disabled car parking spaces on the north side of the Masters House should be retained; and
- Concern relating to the raised planters

5.6 Three written representations of objection have been received on the following summarised grounds:-

- The scheme should have a proper Town square for socialising, sitting and enjoying the surroundings (e.g. small performances & market);
- The square should have a circular form of benches;
- There should be a hedge hiding the car park;
- There should be more car parking and less landscaping where the two cypress trees are to be removed;
- The trees alongside the boundary with the Feathers Hotel should not need barriers;
- Questions are raised with regard maintenance;
- The landscape scheme does not address the level changes;
- The scheme does not address the provision of vehicle parking spaces for disabled persons and parents with young children;
- A previous design was better;
- It is claimed that there has been a lack of consultation by those designing the project;
- Disabled access needs to be provided from the rear of the Feathers Hotel; and
- The design should incorporate an amphitheatre.

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=150041&search=150041

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

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

6. Officer's Appraisal

Policy context and Principle of Development

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

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

6.2 Also in the context of the numerous designated heritage assets hereabouts, S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 records the Local Planning Authority's general duty as respects listed buildings when exercising its planning function:

"In considering whether to grant planning permission [or permission in principle] 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."

6.3 Clearly the restoration of the Masters House has been of a very high quality and it remains a laudable objective to enhance its setting. The finance provided by the aforementioned legal agreement allows this to be undertaken. It is considered that the submitted scheme quite rightly focuses attention on the front of the 'Masters House' (south) and has the added secondary

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

benefit of enhancing the setting of two other important listed buildings in the important complex / group (i.e. St Katherine's Hall & Chapel together with the Barn). That area is also where one would wish to focus pedestrian movement to the High Street.

- 6.4 It is considered that the negotiated scheme before Members has a consistent theme and vision reflecting the history of the site as a medieval hospital by planting a range of herbs that were used in medieval times for medical purposes. Tree species have also been carefully selected.

The originally submitted plans showing the provision of whitebeams have been amended to show the planting of mountain ash / rowan. It is also considered that the proposal would achieve the original objectives of the scheme being:-

- To create a high quality area of public realm that would attract visitors, increase footfall and promote use of the Masters House (including by the local community);
- Create a "sense of arrival" at the front of the 'Masters House'
- Improve legibility of entrance routes;
- Provide more soft landscaping; and
- Provide for enhanced surfacing materials and replace the existing areas of "self-binding" gravel that tends to be carried into the 'Masters House' creating a degree of damage to the flooring.

- 6.5 It is considered that the proposal would significantly enhance the setting of the 'Masters House', St. Katherine's Hall & Chapel and the Barn. Furthermore it is considered that the proposal would enhance the character and appearance of the Conservation Area. It is therefore considered that the proposal fully complies with policies SS1, SS6, LD1, LD2, LD4 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031 together with all relevant advice within the National Planning Policy Framework (NPPF). Members may note that the scheme has attracted support from Historic England and the Council's own conservation officers.

- 6.6 There have been a few matters raised from objecting third parties or those making comment / observations that are addressed as follows:-

- Whilst others may design the scheme differently that does not mean the current proposals are not acceptable. There clearly can be a variety of approaches. The Local Planning Authority has to consider the scheme before them. It is considered that the scheme under consideration is well thought out with a vision, cohesion and quality;
- There are a variety of views as to whether benches and / or planters should be provided. It is my view that the provision of planters and benches should be welcomed in that the benches provide a facility whereby people may sit and congregate. They encourage social interaction. The planter, should also, in my opinion be welcomed. If they were not to be provided one should only have an area of surface level paving, albeit of a high quality, set within a much larger area of hardsurfacing (the car park). It is my view that the provision of the planters with the herb planting assists in softening the space and creates genuine interest in terms of the planting that is reflective of the history of the St Katherine's complex. Furthermore in my experience a characteristic of quality public spaces / squares is the introduction of vertical features above the horizontal surfacing together with the provision of seating areas (whatever form that may take). The material to be used in terms of the planters (i.e. corten steel) is considered a high quality material that would sit well within this historic environment due to the colour and texture of the material. It has been carefully selected following engagement with Historic England. The one issue that has been raised with respect the use of corten steel is the issue of staining of surrounding paving. In this regard the agent has clearly clarified that:-

"The staining is caused from rain water run off during the weathering process of the metal. Once a weathered coating on the metal is established then there is little or no

possibility of staining. We are specifying pre-weathered corten to minimise the amount of weathering that will happen when in situ. Additionally a gravel strip around the base of each planter will catch any water that runs off the metal, stopping it reach the paving and preventing staining to the paving and surrounding areas.”

- Some are of the view that a hedge should be planted along the western boundary of the proposed public square. Whilst that view is acknowledged, it is not considered to be appropriate in this case as it would create an enclosed space and effectively a barrier that *may* deter people from entering and travelling through the space. It is considered that the public square should be readily visible, apparent and inviting from the car park area to the west. It is considered that the proposed scheme would achieve that and the public square space would not merely appear as an extension to the car park due to the quality of materials used, the planters and the benches. As the Senior Landscape Officer states:-

“The proposed spatial character of no hedges and not too many plant containers, gives an open, accessible, secure feel for the car parking area, while creating an intimate and defining space near to the Masters House entrance.”

- There is nothing preventing community events within the proposed public square and presumably a greater space could be secured on occasions by the temporary closure of part of the car park. The finance is not available for a larger public square and it appears that the local community value the Town Centre car park as a facility for shoppers and visitors. It is considered that the proposed square would create a valuable intimate public realm space.
- Public consultation took place in the design evolution, in addition to the normal planning publicity process. This has been set out in Section 2.0 of the ‘Design & Access Statement’ (April 2018).
- The designed scheme does account for level differences;

It is accepted that in addition to this landscaping project there are other areas of the wider setting of the Masters House that could be improved (finance permitting) and subject to a separate further project. This includes:-

- a) The provision of suitable cycle parking facilities as indicated on the deposited documents;
- b) The resurfacing of the car park (using innovative surfacing materials more appropriate to the setting of the ‘Masters House’ than black tarmac and white lines);
- c) The re-planning and re-laying out of the vehicle parking spaces (including the provision of disabled bays and parent & child spaces much closer to the main entrance to the ‘Masters House’ and the “public square” under consideration);
- d) Further landscaping to the west of the small Barn losing three car parking spaces; and
- e) The upgrade of the pedestrian access from the rear of the Feathers Hotel into the car park such that it is more suitable for disabled users (this would require incorporation of third party land and hence agreement).

However, such works would need to be form part of a subsequent (non-landscaping) scheme with its own separate finance.

Ecology / Bio-diversity

- 6.7 There are records of bats within the area and as such I am recommending a condition controlling the use of the uplighters.

Conclusion

- 6.8 In conclusion, it is considered that this proposed landscaping scheme and public realm project would significantly enhance the Masters House in Ledbury together with other listed buildings within the St Katherine's group. It is also considered that it would enhance the character and appearance of the Ledbury Conservation Area. The proposed development is considered to fully accord with the provisions of the development Plan (Herefordshire Local Plan Core Strategy 2011-2031) and the National Planning Policy Framework (NPPF) as well as the emerging Ledbury Neighbourhood Development Plan 2018 – 2031.

RECOMMENDATION

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. None of the lighting hereby approved shall be switched on from 11pm on any day until 7 am the next day during the period 1st April until 1st October in any calendar year, without the prior written consent of the Local Planning Authority.**

Reason: To safeguard protected species in accordance with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 3. Any trees or plants that die, are removed or become seriously damaged or diseased within a period of five years from completion of the development must be replaced in the next planting season with identical species.**

Reason: To ensure that the approved planting scheme becomes properly established as an inherent part of the wider landscaping scheme thus according with policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 4. Notwithstanding condition 3 above prior to commencement of the development hereby approved the following matter shall be submitted to the Local Planning Authority for their written approval:-**

- A full written five year landscape maintenance plan including provisions to ensure that the new trees are managed to ensure that they become established, including information regarding formative pruning, regular watering schedule and additional mulch added and removal of weeds/grass.**

No development shall commence until the written approval of the Local Planning Authority has been obtained. Thereafter the implemented development shall be managed in full accordance with the approved written landscape maintenance plan.

Reason: To ensure that the approved planting scheme becomes properly established as an inherent part of the wider landscaping scheme thus according with policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

5. The development hereby permitted shall be fully implemented in accordance with the following approved documents:-
- Design and Access Statement (April 2018) – P0652-RE-5-001 Revision D;
 - Landscape Sections – Drawing number DR-5-007 Revision B;
 - Typical Tree Pits Details – Drawing number DR-5-010;
 - Detailed Planting Plan 1 of 2 – Drawing number DR-5-008 Revision C;
 - Detailed Planting Plan 2 of 2 – Drawing number DR-5-009 Revision A;
 - Landscape Master Plan – Drawing number DR-5-002 Revision F;
 - Application Site Plan – Drawing number co00378128/0512509/ ; and
 - E-mail from Ruth Sears (One Ltd.) dated 01 August 2018 14:15.

unless otherwise approved in writing by the Local Planning Authority.

Reason:- For the avoidance of doubt and to ensure that the development is carried out in full accordance with the approved plans and documentation securing an appropriate high level of quality thus according with policies SS6, LD1 and LD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

6. E01/C47 – Site investigation – Archaeology

INFORMATIVE

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150041

SITE ADDRESS : THE MASTERS HOUSE, ST KATHERINES, HIGH STREET, LEDBURY,
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Further information on the subject of this report is available from Mr Roland Close on 01432 261803

