

MEETING:	PLANNING COMMITTEE
DATE:	7 April 2017
TITLE OF REPORT:	162601 - PROPOSED CONVERSION OF EXISTING BARN TO TWO DWELLINGS AND ERECTION OF 5 DWELLINGS AT LAND ADJACENT TO UPPER WESTON, WESTON UNDER PENYARD, HEREFORDSHIRE. For: Mr & Mrs Evans per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162601&search=162601
Reason Application submitted to Committee - Redirection	

Date Received: 10 August 2016

Ward: Penyard

Grid Ref: 363248,223520

Expiry Date: 20 October 2016

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site is located within the settlement boundary of Weston under Penyard and covers an area of 0.25 hectares. The site contains a large existing stone barn positioned adjoining and at 90 degrees to the highway (proposed to be converted) and a smaller barn. An unnamed watercourse is located approx. 40m to the northwest of the proposed development site. The topography of the site varies, rising towards the rear (eastern) boundary with Weston Park.
- 1.2 The site is not within a conservation area, Area of Outstanding Natural Beauty and there are no listed heritage assets in the vicinity. No statutory designations apply to the site or existing buildings.
- 1.3 The proposal is for the conversion of the large existing barn into two dwellings and part demolition, part retention of a smaller barn for ecological mitigation and ancillary residential use. In addition, the construction of five dwellings with parking and associated curtilage areas (17 car parking spaces) is proposed. Two existing vehicular accesses are upgraded as part of the proposal.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction – Achieving Sustainable Development

Section 6 – Delivering a Wide Choice of High Quality Homes

Section 7 – Requiring Good Design

Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 11 – Conserving and Enhancing the Natural Environment

Section 12 – Conserving and Enhancing the Historic Environment

2.2 Herefordshire Core Strategy Policies

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- OS1 - Requirement for Open Space, Sport and Recreation Facilities
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

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

2.4 Weston-under-Penyard Neighbourhood Development Plan (This is a made plan)

- H2 - Location of new developments
- H4 - Type of Housing
- D1 - Design Appearance
- D2 - Technical Design
- ST1 - Accommodating traffic within the Parish
- SB1 - Supporting local business
- SB2 - Workspace development
- SE1 - Sustaining the parish environment and landscape
- SE6 - Sustainable water management

<https://myaccount.herefordshire.gov.uk/weston-under-penyard>

3. **Planning History**

3.1 None

4. **Consultation Summary**

Statutory Consultations

4.1 Welsh Water has no objection, commenting as follows –

Sewerage – We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water Supply – no objection to the proposed development

Internal Council Consultations

- 4.2 The Council's Drainage Consultants do not object to the proposed development on flood risk and drainage grounds. They advise should the Council be minded to grant planning permission, that the submission and approval of detail proposals for the disposal of foul water and surface water runoff from the development is included within suitably worded planning conditions.
- 4.3 The Environmental Health and Trading Standards Manager has no objection regarding contaminated land issues. It is recommended a condition be appended to any approval in the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.
- 4.4 The Transportation Manager has no objection on the basis of amended plans. Requested conditions are attached to the recommendation, below.
- 4.5 The Conservation Manager (Ecology) on the basis of additional information with further details of the foul water management of the proposed development stating that the proposed package treatment plant will not be discharging directly in to any watercourse and has sufficient capacities, concludes through a Habitats Regulation Assessment screening that there are '*no likely significant effects*' on the River Lugg/River Wye SAC from this development.

The detailed bat survey has shown the usage of both barns by bats including Lesser and Greater Horseshoe. This means that a Natural England EPS Licence will be required to be in place before any work commences on site. This is included as part of the proposed mitigation and working methods recommended in the ecological report by Pure Ecology dated November 2016. A number of conditions are requested if permission is granted. These are attached to the recommendation, below.

- 4.6 The Public Rights of Way Manager has no objection.

5. Representations

- 5.1 Weston-under-Penyard Parish Council comments in principle there would be no objection to a smaller development on the site and subject to identified concerns being fully resolved to their satisfaction. Reference is made to Herefordshire Council's SHLAA Report where the site was rejected for allocation as being unable to yield more than five units. The Parish Council's comments are reproduced in full in Annex A accompanying this Report as they reference in detail policies from the new Weston-under-Penyard Neighbourhood Development Plan. However, the objection is summarised as:

- the smaller barn would be demolished, requested for the incorporation of this building within the development
- concern over size of bedrooms
- roadside dwellings not in keeping with this part of the village
- objects to two vehicular access points
- concerns over level of parking provided
- Concern over surface water
- Concern over pedestrian safety
- One tree is to be removed, others should be retained
- Lack of green space

5.2 Eleven local residents object to the proposal, comments are summarised as:

- Concern over impact on ecology and protected species
- Over development of the land
- Proposal creates cramped dwellings
- Development not in keeping with character hereabouts
- Conflict with Neighbourhood Plan design requirements
- Inadequate parking
- Concern over highway safety
- Concern over surface water flooding
- Impact on adjoining amenity
- Lack of amenities in the village
- Impact on streetscene
- The third barn should be retained
- Weston under Penyard has already more than delivered its minimum target of development
- Scale of development not appropriate
- Impact on the setting of the retained agricultural buildings

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162601&search=162601>

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

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

6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with the provisions of the local development plan unless material circumstances dictate otherwise.

6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decisions taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the NPPF indicate development should be restricted.

Policy Assessment

6.3 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that '*relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

6.4 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.

- 6.5 Paragraph 14 of the NPPF states that there “*is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole... or specific policies in this Framework indicate development should be restricted.*”
- 6.6 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the current supply position will need to be balanced against other factors in the development plan and/or NPPF.
- 6.7 This position has been crystalised following a recent Appeal Court Decision and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus:

We must emphasize here that the policies in paragraphs 14 and 49 of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).

Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is "out-of-date" should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.

- 6.8 This site is therefore considered sustainable in regards its location and compliance with Core Strategy policy RA2 and Neighbourhood Development Plan policy H2 and the principle of residential development is supported.
- 6.9 The NPPF sets out 12 core land-use planning principles in paragraph 17 which should underpin decision taking. These include the principle to ‘*proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving places that the country needs*’.
- 6.10 Paragraph 9 of the NPPF states pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, Including (but not limited to) improving the conditions in which people live, work, travel and take leisure. The Ministerial foreword to the NPPF states *our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity* and goes on to set out the Government's policies, aims and objectives in Section 7 Requiring Good Design, paragraphs 56-68.
- 6.11 It is clear from the NPPF that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- 6.12 Whilst local planning authorities are advised not to impose architectural styles, paragraph 60 states it is proper to seek to promote or reinforce local distinctiveness.
- 6.13 Paragraph 61 acknowledges that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.14 Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.15 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.16 Core Strategy Policy SS2 – *Delivering new homes* sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.17 Core Strategy policy SS7 – *Addressing climate change* describes how development will be required to mitigate their impact on climate change, and strategically, this includes:
- focussing development to the most sustainable locations
 - delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport
- 6.18 Core Strategy policy RA1 – *Rural housing distribution* sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.
- 6.19 Core Strategy policy RA2 – *Housing outside Hereford and the market towns* identifies the settlements in each HMA area where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate.
- 6.20 Weston-under-Penyard is within the Ross on Wye HMA and one of 31 settlements designated to be the main focus of proportionate growth in that HMA. The Ross on Wye HMA is to provide a minimum 1150 dwellings in the Plan period with an indicative housing growth target of 14%. Weston-under-Penyard has a minimum target figure for 65 dwellings from 2011-2031. Four Completions were recorded from 2011-2016 and there are presently were 81 commitments.
- 6.21 The application site is therefore sustainably located, being within the main built core of Weston-under-Penyard, a settlement designated under Policy RA2 and within the settlement boundary defined by the Neighbourhood Plan. Development is therefore acceptable in principle on a

locational basis. This combined with the scale of the development and housing target and completion figures for Weston under Penyard therefore leads to the conclusion that the proposal may reasonably be considered to represent proportionate sustainable housing growth within the village.

- 6.22 In principle and strategically, the proposal is acceptable as it represents sustainable and proportionate development, complying with Core Strategy policies SS1, SS2, SS7, RA1 and RA2, the relevant policies of the NDP and the requirements of the NPPF.
- 6.23 The Weston-under-Penyard NDP was made on 20 May 2016 and now forms part of the statutory development plan for the area. The NDP as an adopted plan is a material consideration. In line with the recent ministerial statement, the plan will also be attributed full weight in the absence of a 5 year land supply due to the site allocations contained within the plan, its adoption within the last 2 years and the LPA's demonstration of a 4.49 year land supply.
- 6.24 The Weston-under-Penyard Neighbourhood Plan contains a settlement boundary for the settlement of Weston-under-Penyard which includes two site allocations (policy HS1 and HS2) and a criteria based infill policy for the settlements of Ponsthill and Bromash (policy H2). The two sites have planning permission for 35 and 37 dwellings.
- 6.25 Although proportional growth requirements should not be seen as a mathematical exercise, the site allocations together with the existing commitments clearly demonstrate the parish contribution to the Ross on Wye Housing Market Area growth in line with policy RA2 of the Core Strategy already within the early part of the plan period.
- 6.26 The plan however is not seeking to impose a cap on the supply of housing development and policy H2 seeks to shape and direct appropriate windfall growth within the parish. The examiner comments that the plan 'adopts an appropriate positive approach to growth'. With this in mind, Policy H2 (d) of the NDP indicates that new build residential development will not be permitted outside the Weston-under-Penyard settlement boundary but does indicate the criteria for further windfall development.
- 6.27 With regards to the application, the land in question is within the settlement boundary and not subject to a local green space designation, therefore the determination will need to have regards to policies H2, D1 and D2.
- 6.28 The recent update to the Planning Policy Guidance note which accompanies the NPPF indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, weight may still be given to relevant policies in the emerging neighbourhood plan (post Regulation 16).
- 6.29 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This includes paragraphs 183–185 and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.
- 6.30 Therefore given the recently government guidance, the adoption of the NDP and the demonstration within both site allocations and existing commitments that proportional growth can be achieved, the Weston-under-Penyard NDP should be afforded significant weight despite the five year land supply position.

Assessment

- 6.31 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.32 Section 7 (*Requiring good design*) of the NPPF requires developments should function well and add to the overall quality of an area, establishing a sense of place to create attractive places to live, work and visit through responding to local character and history and reflecting local identity, whilst at the same time not stifling innovation. This approach is reinforced through Core Strategy policies SS6, LD1 and SD1 and the criteria of policy RA2 which requires development should reflect the size, role and function of the settlement and be located within or adjoining its main built up area. Attention is required to be paid to the form, layout, character and setting of the site and its location, resulting in high quality sustainable development.
- 6.33 As such, given the sustainable location and in principle acceptability of the development on those terms, the decision making process turns to the assessment of material considerations.
- 6.34 At the local level policies regarding design and context reflect the Government's aims and objectives. Core Strategy Policy RA2 states new dwellings should make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials and landscaping. High quality design that is sustainable and reinforces the locally distinctive vernacular will be particularly encouraged. Innovative and/or contemporary design will also be supported where it is appropriate to its context, it makes a positive contribution to the architectural character of the locality and achieves high levels of sustainability in terms of energy and water efficiency, as set out in Policy SD1.
- 6.35 Housing proposals will be permitted under policy RA2 where the following criteria are met:
- Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area.
 - Their locations make best and full use of suitable brownfield sites wherever possible;
 - They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
 - They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.36 Although the application is neither within a conservation area or immediately adjoining any listed buildings, there are heritage implications and opportunities from the proposal. The application site is located in the historic core of the village and its most picturesque area featuring the public house, dwellings set around the road junction and stone barn fronting the lane from which the application site is accessed. It is therefore reasonable this environment is maintained or enhanced by new development. Along with the above Core Strategy policies which support this position, the Weston under Penyard Neighbourhood Plan does likewise.

- 6.37 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141. The NPPF sets out in paragraph 126 that there should be a positive strategy for the conservation of the historic environment. It is recognised that heritage assets are an irreplaceable resource should be conserved in a manner appropriate to their significance taking into account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
 - the desirability of new development making a positive contribution to local character and distinctiveness
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.38 Paragraph 131 – 133 sets out what and how LPAs should consider in determining planning applications featuring heritage assets. This includes:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.39 The Core Strategy sets out heritage policy under LD4. The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed buildings and conservation areas, or not.
- 6.40 Policy LD4 – *Historic environment and heritage assets* requires development proposals affecting heritage assets and the wider historic environment should:
- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
 - Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;
 - use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;
 - record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and where appropriate, improve the understanding of and public access to the heritage asset.
- 6.41 The historic environment and heritage assets are significant contributors to sustainable development. Important local buildings have a social value and can act as focal points for local communities. The historic environment is of cultural value as it illustrates the historical development of Herefordshire. Heritage assets also bring economic benefits as Herefordshire's well preserved historic environment is a major factor in its tourism industry and the county's quality of life.

- 6.42 Core Strategy policy LD1 – *Landscape and townscape* criteria requires new development must achieve the following:
- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
 - conserve and enhance the natural, historic and scenic beauty of important landscapes and features through the protection of the area's character and by enabling appropriate uses, design and management
- 6.43 The proposal features five new build residential units and conversion of an existing barn to form two residential units. A semi detached pair of cottages front the site/ highway and adjoin the road facing gable elevation of the retained barn. Two detached dwellings are located behind this, creating a 'courtyard' or 'farmyard' layout. A further detached dwelling to the south of the retained barn, is set back from the highway. New and reinforced green planting forms boundary treatments and landscaping. Two vehicular accesses serve the proposal, utilising and upgrading existing access points with parking areas off road within the development.
- 6.44 The road fronting semi detached dwellings are three bedroomed units with a cottage vernacular, featuring front porch, chimneys and rear gable protrusion. The cottages are a mirror of each other, measuring 8 x 7.4 metres in plan over their greatest extents with a height to ridge of 8.6 metres and eaves of 5.4 metres.
- 6.45 Dwelling 'plot 3' is a four bedroom unit set behind the cottages to the east of the site has a design and appearance echoing and influenced by the retained barn. It has an evocative 'barn' principle elevation, with a feature, principally glazed gable and 'slit' windows. This design approach helps reinforce the 'courtyard' or 'farmyard' character and layout. The rear elevation has a more traditional 'house' elevation and is not visible from public vantage points. The dwelling measures 13.4 x 8.8 metres in plan excluding attached single garage over its maximum extents with a height to ridge of 8.4 metres and eaves of 5.4 metres.
- 6.46 A further dwelling adjacent to the above is of a more tradition vernacular and design approach. It has a feature gable, open sided porch and detailing around the windows. It has an attached garage. This design approach enables the retained barn to be aesthetically dominant and prevents a design 'clash' and acts a design gap to the barn like new build. The dwelling measures 13.4 x 11.5 metres in plan over its maximum extent with a height to ridge of 8.3 metres and eaves of 5.4 metres.
- 6.47 The barn to be retained and converted into two dwellings is currently unlisted, however, it is considered by officers to be a locally important heritage asset located in the historic core of the village adjoining and viewed in connection with other buildings of historic and architectural merit. It is emphasised this barn and the adjoining Upper Weston are not listed under *Appendix A – Assets of Community Value (Listed Buildings, historically interesting buildings and Monuments)* of the Neighbourhood Development Plan.
- 6.48 The retention of the barn has been secured through negotiation with officers and its social and environmental contribution to the village's character and appearance has been recognised by the applicant. Original proposals sought the barn's demolition. It is noted the reality is, without a planning permission incorporating the barn, it could legitimately be demolished without any formal consent required. As such the barn is 'at risk'.

- 6.49 The barn conversion will form two dwellings. Whilst its historic character and features inform and are retained within the conversion, in order to meet highway requirements, the end gable is to be taken down and rebuilt with the resultant width of the barn reduced. Whilst this is not ideal, it is considered this compromise is acceptable on the following points:
- the retention of the unlisted heritage asset can be assured
 - the works will have minimal impact on the character and appearance of the streetscene regarding the barn itself
 - the barn will still contribute to the character and appearance of the locality and be dominant and a key feature of the streetscene
- 6.50 The approach and acceptability of this conforms with the principles of the NPPF regarding heritage assets and ensuring their retention through use and has regard to the assets unlisted but locally important status.
- 6.51 Plot 5 features a detached dwelling that is an inverted 'L' shape in plan and again has a rural vernacular featuring a mix of ridge heights, open porch and dormer windows. A home office area is included above the attached double garage, access by an external staircase, and creates a 'coach house' like wing to the dwelling. The proposal measures 18.5 x 10.6 metres in plan over its maximum extents with a height to ridge of 8.3 metres and eaves of 5.4 metres.
- 6.52 An existing brick barn is to be in part demolished with a section to be retained and renovated at loft level to form a bat loft in accordance with the Ecological Report. This has been agreed as acceptable by the Council's Conservation Manager (Ecology). The retained building will form part of plot 5's curtilage. The retained barn also features an open fronted log store below. The barn will be screened from public vantage points by Plot 5 and the converted barn. Although the Parish Council would prefer the barn is retained in full, as detailed, these are unlisted structures not in a conservation area so could be demolished without consent. The partial retention and reuse at least provides an historical reference point regarding the history of the site and a practical use. As such, relevant heritage policies are complied with.
- 6.53 The proposal is considered to be reflective, informed of and complementary to the historic character, appearance and materials utilised hereabouts and as such complies with Core Strategy policies SS6, RA2, LD1, LD4 and SD1, the relevant design and heritage policies of the Weston under Penyard Neighbourhood Plan and relevant aims and objectives of the NPPF.

Assessment against Neighbourhood Plan

- 6.54 As relevant to the application, regarding **Policy H2: Location of New Developments**, the proposal satisfies the following criteria
- a) Development will be permitted at the locations defined in Policies HS1 and HS2;*
 - b) To allow for appropriate growth in Weston village an extended Settlement Boundary is defined as shown on the Policy Map H2;*
 - c) Applications will be supported for small residential developments on infill gaps and on redevelopment sites within the Weston village Settlement Boundary;***
 - d) With the exception of the conditions described in sub-items (e), (f), (g), (h), (i) and (j), new build residential development will not be permitted outside the Weston village Settlement Boundary.*

6.55 The proposal as submitted and through conditions will conform with **Policy D1 – Design Appearance**. The policy states proposals for all forms of new development should offer a design that seeks to reflect local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in South Herefordshire. Development proposals should contain design measures which, in addition to regulatory requirements, will:

a) Be sympathetic to the existing traditional character of the parish, utilising a mixture of materials and architectural styles and incorporate locally distinctive features, for example, the use of local stone;

b) Ensure that the design and use of materials is such that affordable homes are visually indistinguishable from market housing;

c) Respect the scale, density and character of existing properties in the parish;

d) Provide buildings that relate well to established building heights and bulks. A building height of no more than 2 storeys should normally be used. House designs with three storeys (or “2½” storeys) may be approved subject to location and high class architectural design and choice of materials;

e) Allow for two-storey terraced housing in appropriate locations with the retention of open space on site for soft landscaping and amenity space;

f) Not detract from the amenity of adjacent existing properties;

g) Preserve existing trees, boundary hedges, ponds, orchards and hedgerows and make provision for tree planting with types already found within the parish; and

h) Be set back from the road and well screened by mature trees/shrubs landscaping to maintain a soft edge to the Weston village and blend with the existing landscape.

6.56 It is considered requirements a – g are complied with and conditions ensure appropriate materials, details, finishes, landscaping and their maintenance.

6.57 On balance refusal could not it is considered be substantiated on the points described by the Parish Council and objectors. It is considered the design meets relevant policy requirements and furthermore, recommended conditions will ensure this. This position manifests itself when considering the NDP policies and is further strengthened when considering the Core Strategy policies and relevant aims and objectives of the NPPF. It is considered a refusal against Core Strategy and NPPF policies could not be justified and rather, the proposal satisfies their aims and objectives.

6.58 **Policy D2 – Technical Details** will be similarly complied with and relevant consultees have confirmed the acceptability of the proposal regarding technical matters and through the use of conditions.

It is also emphasised Upper Weston is not listed under Appendix A – Assets of Community Value (Listed Buildings, historically interesting buildings and Monuments).

The Judicial Review *Palmer-v-Herefordshire Council & anr [2016]* covered the issue of policy conflict, where policies could indicate different recommendations. The conclusion from the Court was –

I have no difficulty with the proposition that different policies can point in different directions. In such a case the decision maker may have to decide whether to prefer one policy over another and to grant planning permission even though the requirements of one relevant policy have not been satisfied.

6.59 As such, whilst it is appreciated that there is always a level of subjectivity associated with interpreting policy compliance, in this case it is concluded that the report is 'sound'; refers to relevant policies, and acknowledges the policy tension/ conflict. These are balanced within the report as set out above.

Highways

6.60 Amended plans were received following original comments from the Transportation Manager. The amended plans considered in this assessment show, If the visibility splay is taken to the running lane of the carriageway, as stated in Manual for Streets 2, then the visibility splay meets the 67m distance requirements.

6.61 The U70206 from which access is gained has no footways and a limited amount of verge for pedestrians to use. The site is approximately 250m away from the bus stop which connects to the Stagecoach service to Gloucester and Ross on Wye. Access of the bus service to Ross on Wye, requires pedestrians to cross the A40. The existing crossing provision is dropped kerbs and tactile.

6.62 At the junction of the A40 and U70206 is the widely used pub, therefore pedestrians will regularly walk down the U70206. There have been no accidents recorded at the junction in the current 5 year period.

6.63 Concerns have been raised regarding the farm vehicles using the U70206, however as shown in the submitted speed and volume survey, large vehicles only equate to less than 10 % of the total number of vehicles. The development will look to increase vehicles on the U70206 by 1%, this in itself would not be classed as severe.

6.64 Due to the location of the bus stop the site provides access to sustainable transport along with cycle storage provision therefore allows for options to reduce the number of private vehicle movements.

6.65 As such it is considered the proposal is acceptable in respect of highway safety and its impact on the road network hereabouts and having regard to movements other than those by a private vehicle. There is adequate off road parking and secure cycle storage provision. On the basis of all of the above and recommended conditions attached below, the proposal is considered to satisfy the relevant aims and objectives of Core Strategy policies SS1, SS4, MT1, RA2 and SD1 and the Council's Highways Design Guidance requirements.

Summary

6.66 On the basis of the above, the proposal represents sustainable, appropriate development respecting and responding to the local context providing a proportionate contribution to Herefordshire's and the Ross HMA housing supply. The proposal also retains and reuses an unlisted heritage asset, providing environmental and social benefits. As such relevant local and national planning policies are satisfied and approval is recommended.

RECOMMENDATION

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

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

3. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

4. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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

5. **G10 Landscaping scheme**

6. **G11 Landscaping scheme – implementation**

7. **The recommendations as identified in section 5 of the ecological report by Pure Ecology dated November 2016, listed under Condition 2 of this Decision Notice shall be fully implemented as stated, unless otherwise agreed in writing by the planning authority. Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with a landscape scheme as required under Condition 5 of this Decision Notice covering the whole site should be submitted to and be approved in writing by the local planning authority. The scheme shall be implemented as approved and thereafter be maintained as such.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.

8. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

9. **Removal of permitted development rights**

Reason: To ensure the design, energy efficiency and sustainability qualities of the proposal is maintained and to protect the character and appearance of the AONB and in the interests of adjoining amenity

10. **No conversion of garage to residential use**

Reason: In the interests of adjoining amenity

11. **CAB - 67m x 2.4 South 64m x 2.4m North**

12. **CAL - Access, turning area and parking**

13. **CAH - Driveway gradient**

14. **CAE - Vehicular access construction**

- 15. CAS - Road completion
- 16. CB2 - Secure covered cycle parking provision
- 17. CAE - Vehicular access construction
- 18. CAJ - Parking - estate development (more than one house)
- 19. CAZ - Parking for site operatives
- 20. I18 - Foul and surface water drainage
- 21. I16 - Restriction on hours of construction

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN01 Mud on highway
- 3. HN04 Private apparatus within highway
- 4. HN05 Works within the highway
- 5. HN10 No drainage to discharge to highway
- 6. HN24 Drainage other than via highway system
- 7. The enhancement plan required under Condition xx of this Decision Notice should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in the National Planning Policy Framework and the Herefordshire Core Strategy. As proposals for bat mitigation and enhancement are managed through the required EPS Licence at a minimum we would be looking for additional proposals to enhance bird nesting to be incorporated in to the new buildings or nearby retained features as well as consideration for amphibian/reptile refugia, hedgehog houses and invertebrate/pollinator homes 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.

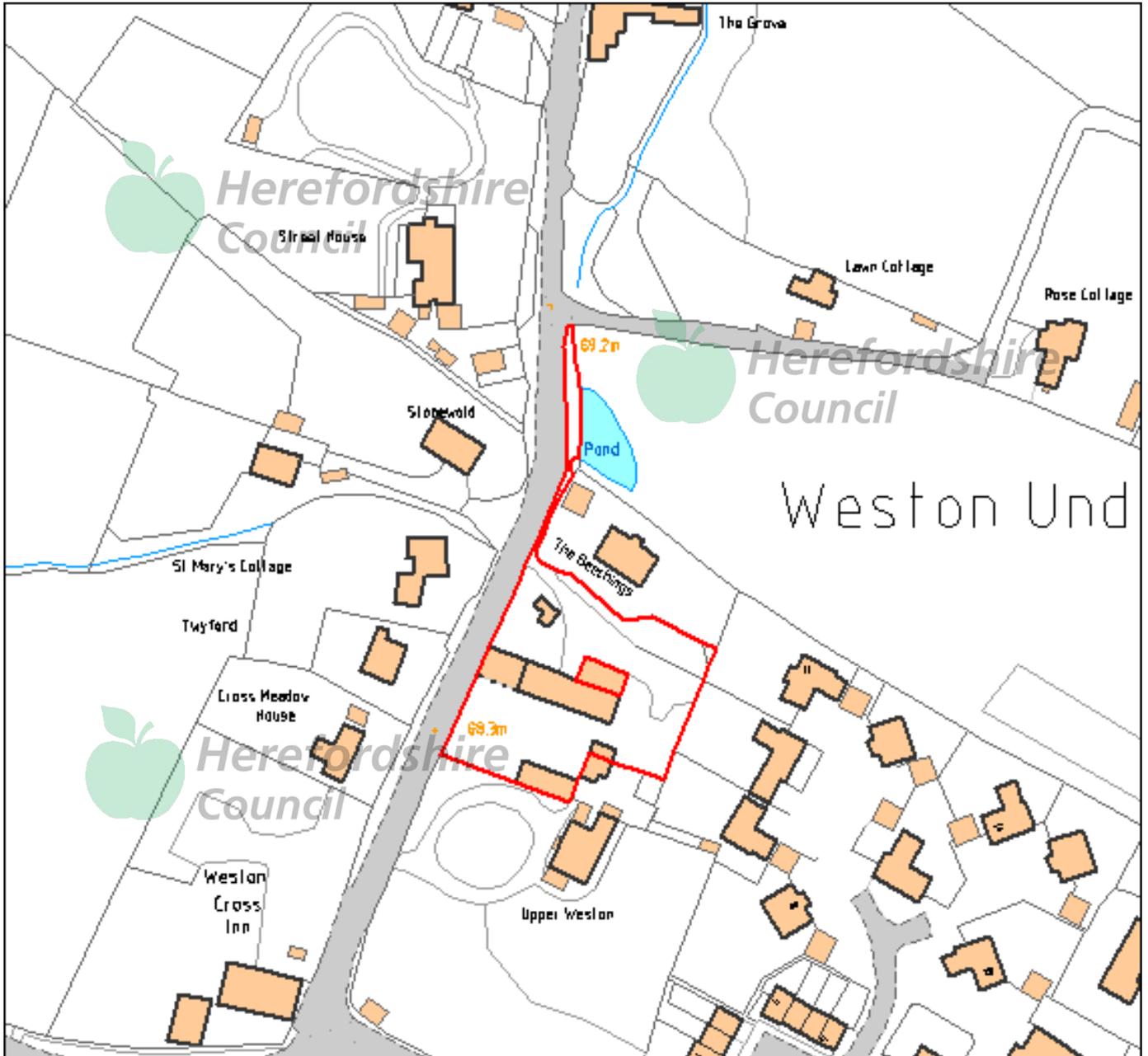
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162601

SITE ADDRESS : LAND ADJACENT TO UPPER WESTON, WESTON UNDER PENYARD, HEREFORDSHIRE

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Annex A

Proposed Process for Management of Planning Matters by the Parish Council

Planning Application Report for submission to Parish Council by Planning Group

General Information

Number	P162601/F
Location	Land adjacent to Upper Weston, Weston under Penyard
Proposal	Proposed conversion of existing barn to two dwellings and erection of 5 dwellings.
HC Case Officer	Carl Brace
Applicant	Mr & Mrs J Evans
Agent	Mrs Julie Joseph
Date received by Parish Council	12th Sept 2016
PC comments requested by	3rd October 2016
Target HC determination date	Thursday 20 October 2016

Review of Compliance with Neighbourhood Plan

Relevant Neighbourhood Plan Policy	Remarks	Compliant? Yes/No
Policy H2: Location of New Developments	<p>In principle, in terms of location, the development appears to comply with Policy H2 (c) and (h) which state:</p> <p><i>c) Applications will be supported for small residential developments on infill gaps and on redevelopment sites within the Weston village Settlement Boundary;</i></p> <p><i>h) Applications will be supported for the conversion of a building of architectural and/or historic merit where that building is structurally sound and capable of conversion without complete or substantial rebuilding;</i></p> <p>However it is noted that the smaller barn would be demolished. Further consideration is requested for the incorporation of this building within the development.</p>	<p>Yes</p> <p>Yes, subject to further consideration that the second barn is retained within the development.</p>
Policy H4: Type of Housing	<p>All seven proposed houses are three or four bedroom types and so the development does not reflect the range of house types defined in Policy H4, as follows.</p> <p><i>This policy directs that development applications should favour the following types of homes:</i></p> <p><i>a) Family homes (three bedrooms or more) and</i> <i>b) Starter homes (two bedrooms) and</i> <i>c) Adapted/easy access homes e.g. bungalows and</i> <i>d) Homes for local people</i></p>	<p>No</p> <p>No</p>

	<p>Although no house dimensions have been made available it would appear from inspection of the plans that some of the room sizes, particularly bedrooms, would be quite small. If so then this would not seem to promote the quality of homes required by the National Planning Policy Framework, as quoted in paragraphs 3.5 and 3.7 of the Planning, Design and Access Statement.</p>	
<p>Policy D1: Design Appearance</p>	<p>a) Paragraph 4.3 of the Planning, Design and Access Statement refers to the use of local stone and render but no detailed information has been sighted to define the actual appearance of the houses in terms of the extent and mix of these materials.</p> <p>h) As proposed the houses on plots 1 and 2 would not be "set back from the road and well screened by mature trees/scrubs". These houses are shown to be almost on the roadside and are not therefore in keeping with this part of the village.</p>	<p>No (pending further clarification).</p> <p>No</p>
<p>Policy D2: Technical Design</p>	<p>(a) Two access points into the site are proposed in the application. Whilst it is noted that these two access points already exist it is considered that the development should not need two access points and that this would not be the safest option.</p> <p>(b) The space for off-street parking by residents and visitors is far from adequate. In the parish it is quite common for car ownership to be three or more per dwelling and that garages are often used totally for other purposes than parking. Contrary to the statement in paragraph 2.2 of the Planning, Design and Access Statement the village does not have "good public transport links" and this contributes to the high car ownership. The present bus service is quite limited and further reductions in the service are being considered by Herefordshire Council. A survey of adult residents in 2014 showed that only 10% used the bus service more than once per week on average. Plots 1 and 2 with three bedroom houses are shown to have no car parking space other than a single garage each. Allowance should be considered for additional cars owned by visitors. Office facilities are proposed at plot 5 and this could require additional parking space. It is noted that no space is available on the site for later expansion of parking spaces. With the layout proposed it is considered that undesirable on-street parking would be inevitable. This would be highly undesirable for road safety reasons at this location.</p> <p>d) Section 7 of the Planning, Design and Access Statement proposes a sustainable drainage system but no details have been sighted. There is a history of regular severe flooding</p>	<p>No</p> <p>No</p> <p>No (pending further</p>

	<p>of the highway at this location, including inundation of building. The statement proposes to "minimise any flow of surface water onto the highway" whereas the design should ensure zero flow onto the highway. No permeability tests seem to have been undertaken to date.</p> <p>e) and f) The layout proposed does not provide for safe pedestrian/cycle/pushchair/wheelchair access to existing footways and any of the local facilities.</p> <p>g) Confirmation is required that the development would be compliant with Policy 02 (g), regarding potential contamination from agricultural processes.</p> <p>Confirmation must be provided that access to the adjacent house "The Beechings" is legally assured.</p>	<p>No</p> <p>No (subject to further clarification)</p> <p>Confirmation required.</p>
Policy STI: Accommodating Traffic within the Parish	<p>a) Access and off-street parking - see above.</p> <p>d) Safe pedestrian and cycle routes - see above</p>	<p>No</p> <p>No</p>
Policy SBI: Supporting Local Business	A small home office space is proposed above the garage at plot. This appears to be compliant with policy SBI.	Yes
Policy SB2: Work Space Development	As 581 above.	Yes
Policy SE1: Sustaining the parish environment and landscape	<p>a) and b) The plans provided with the application appear to indicate that at least one mature tree would be removed. If possible the site layout should allow for any existing trees to be retained. The tree shown in Drg No 7702/116 is omitted in Drg 7702/110. There is no green space or new green landscaping provided in the design layout in which the largely occupied by the seven plots. Fewer houses and more green space should be provided.</p> <p>d) It is understood that the Natural England Bat Mitigation Guidelines will be adhered to.</p>	<p>No</p> <p>Yes</p>
Policy SE6: Sustainable Water Management	c) Clarification is required regarding the location and suitable capacity of the proposed onsite sewage disposal facility. Drg No shows this to be next to the road in the SW corner whereas the Planning, Design and Access Statement indicates at Section 7.1 that the location will be in the SE corner of the site.	No, subject to clarification.

Formal PC comments submitted to Herefordshire Council

Conclusion:	In principle the Parish Council would have no objection to a smaller development on this site and subject to all the above stated concerns being fully resolved to their satisfaction.
Comments:	In addition to the above specific comments the conclusion is that too many houses are being proposed for the site and that this is causing some of the difficulties identified above. It is noted that HC in their 2012 SHLAA report rejected this site, stating "Site is rejected as unlikely to yield 5 dwellings".

4 OCTOBER 2016**Agreed by Parish Council:****CHAIR**