

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	173765/F and 173766/L - (RETROSPECTIVE) CONSTRUCTION OF WALL APPROX 2' 9" X 15' IN LOCAL STONE LOCATED ADJACENT TO STABLE BLOCK IN Paddock. SITED WHERE HISTORICAL DOCUMENTS INDICATE A WALL EXISTED PREVIOUSLY, AT LAND ASSOCIATED WITH PEMBRIDGE HOUSE, WELSH NEWTON, HEREFORDSHIRE. For: Miss Swinglehurst, Pembridge House, Welsh Newton, Monmouth, Herefordshire NP25 5RN
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173765&search=173765
Reason Application submitted to Committee – Member application	

Date Received: 5 October 2017

Ward: Llangarron

Grid Ref: 350036,217928

Expiry Date: 5 December 2017

Local Member: Councillor EJ Swinglehurst (Councillor DJ Harlow is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The application site features a wall and land associated with Pembridge House, a Grade II listed building and is located within Welsh Newton. The wall is located to the rear of Pembridge House and adjoins the boundary with Farley Cottage.
- 1.2 The wall subject of this application is approx. 0.88 metres high and 4.5 metres long. It is finished in locally quarried Devonian sandstone which is characteristic of the area. The stonework is 'random rubble', again this is characteristic of the area and the historic wall. It completes boundary wall to the North/East which had been demolished at some point in the past prior to the applicants' ownership. The proposal will provide a degree of structural improvement to the remaining section of this curved wall.
- 1.3 The applications are retrospective.

2. Policies

- 2.1 Herefordshire Core Strategy
- 2.2 The following policies are applicable and relevant to these applications:

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- SD1 - Sustainable Design and Energy Efficiency
- LD1 - Landscape and Townscape
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets

2.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The following sections are considered particularly relevant:

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

2.4 Neighbourhood Plan

The Neighbourhood Plan had reached examination stage however has been withdrawn. As such it currently has no weight.

- 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

3. Planning History

- 3.1 None specifically relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 Natural England has no comments to make on this application.

Internal Council Consultations

- 4.2 Conservation Manager (Building Conservation) has no objections; the proposals for the new wall would not adversely affect the listed building.

Pembridge House is a former parsonage dating from the C18. The curved wall to the rear of the property is curtilage listed. The abutment of a new wall to this therefore requires Listed Building Consent. It is not felt that this abutment of a wall would adversely affect the significance of the listed building.

- 4.3 Conservation Manager (Ecology) has no objection and 'can see no ecological concerns or comments with this retrospective application'.

5. Representations

- 5.1 Welsh Newton Parish Council supports the application.

- 5.2 A letter of objection from a neighbouring resident has been received. Comments are summarised as:
- There is no evidence that the wall, subject of this Application, has replaced a section of listed wall
 - Object to misinformation, lack of clarity and evidence in the Application
 - The walls were built to divert water away from the applicants' property

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173765&search=173765

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 Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the following:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly defines a '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decision 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.
- 6.3 The NPPF is clear that the three dimensions of sustainable development are indivisible. This assessment must demonstrate that adverse impacts associated with granting permission would significantly and demonstrably outweigh the benefits of development when assessed against the policies in the NPPF taken as a whole. Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 6.4 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF and Core Strategy policy SS1 to engage the positive presumption in favour of the proposal. The Government's definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. The most relevant regarding this application are:
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- Takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

6.5 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141.

6.6 The NPPF sets out in paragraph 126 that there should be a positive strategy for the conservation of the historic environment. It is recognised that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance taking into account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
- The desirability of new development making a positive contribution to local character and distinctiveness
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

6.7 Paragraphs 131-133 set out what and how Local Planning Authorities 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.

6.8 Paragraph 132 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*

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

6.9 Furthermore as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

- 6.10 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.11 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 It is noted that 'significance' as defined in the NPPF Glossary in Annex 2 in regards heritage policies explicitly refers to and includes not only an asset's physical presence, but also its setting.
- 6.13 Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*
- 6.14 Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*
- 6.15 Core Strategy policy LD1 criteria require 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, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.
- 6.16 Core Strategy policy LD4 – Historic environment and heritage assets sets out as relevant to these applications that development proposals affecting heritage assets and the wider historic environment should:
- 1. 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*
 - 2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas*
- 6.17 The assessment of the Conservation Manager is noted and in this regard it is recommended that there is no substantial harm or impact which would justify refusal. Taking into account the detailed objection, in the event that these views are correct, the wall subject of this application is

not replacing part of a listed wall, the only practical consequence would be that Listed Building Consent is not required and approval of the planning application for the wall would be recommended on the basis of no substantial or significant harm to the setting of heritage assets.

- 6.18 With regards the wider context, the proposal has no demonstrable impact or harm on adjoining land uses or the character and appearance of the countryside.
- 6.19 On the basis of the above relevant local and national policies are satisfied and approval is recommended. For avoidance of doubt, the planning and listed building consent are considered together and parallel under the above assessment and recommendation below.

RECOMMENDATION

173765/F

That planning permission be granted subject to the following conditions:

- 1. B02 - Development in accordance with approved plans and materials**

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.**

173766/L

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

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

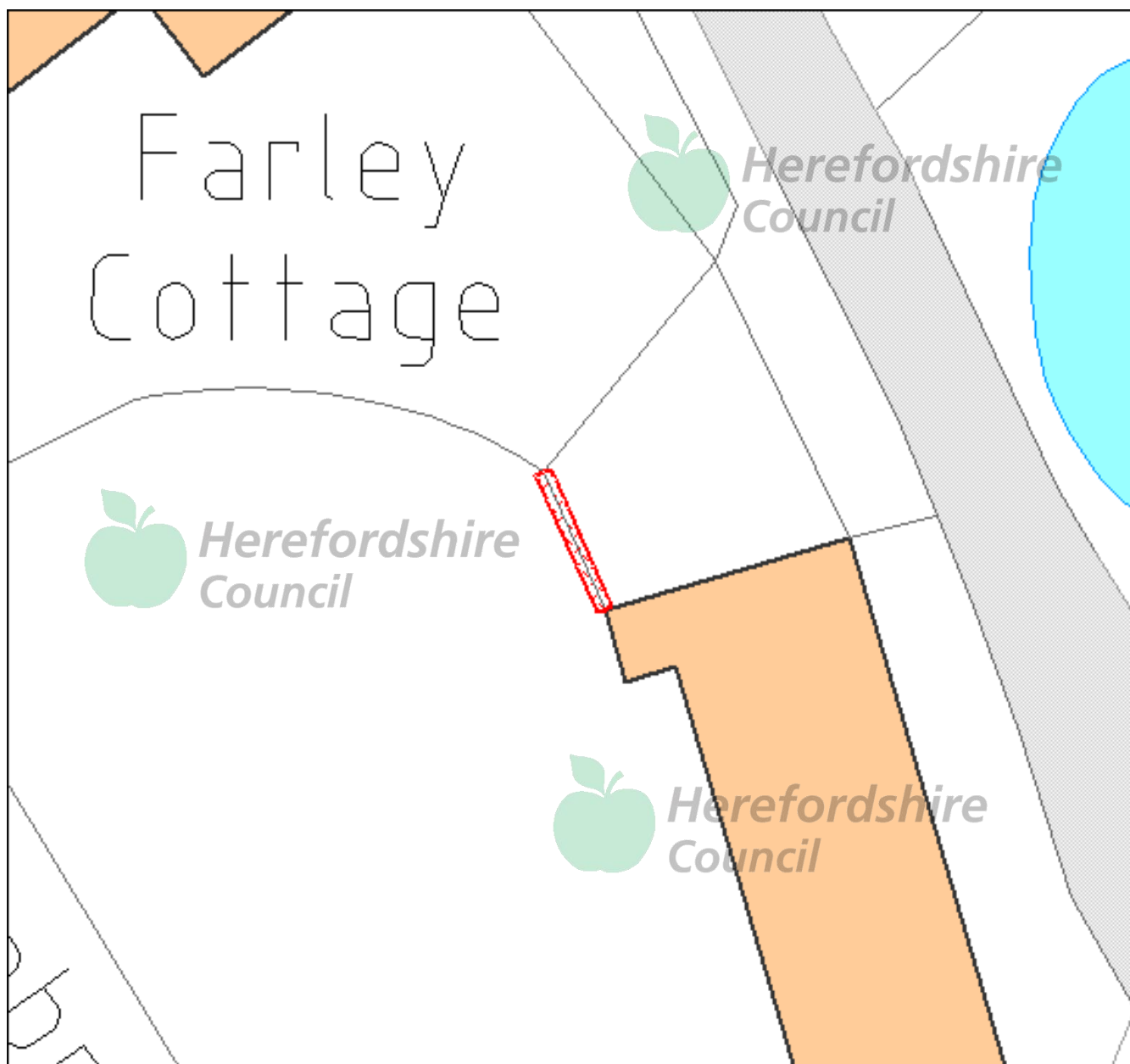
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 173765

SITE ADDRESS : LAND ASSOCIATED WITH PEMBRIDGE HOUSE, WELSH NEWTON, HEREFORDSHIRE

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