

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	22 August 2018
TITLE OF REPORT:	180889 - PROPOSED ERECTION OF 2 DETACHED DWELLINGS WITH DETACHED GARAGES AT LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB For: Mr Mokler per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180889&search=180889
Reason Application submitted to Committee – re-direction	

Date Received: 8 March 2018

Ward: Castle

Grid Ref: 333195,251593

Expiry Date: 30 June 2018

Local Member: Councillor WC Skelton (Councillor RJ Phillips is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The site lies on the north side of C1079, just to the west of St Mary's Church, on the edge of the built-up area of Almeley. There is a hedgerow frontage, with a group of small trees towards the western boundary. The land rises from the road towards the rear of the site. The site lies within the Almeley Conservation Area and in close proximity to the Grade I listed St Mary's Church, Grade II* Almeley Manor and Grade II Almeley House.
- 1.2 The scheduled monument Almeley Castle lies on the opposite side of road.
- 1.3 The proposal is for the erection of two detached 3-bed houses of natural stone and slate finish. Ridge heights are just under 7.3m. Plot A includes a detached double garage and Plot B a single detached garage. New individual vehicular accesses are proposed. The existing building in the south west corner of the site is to be removed.
- 1.4 This application was deferred from the 25th July meeting to allow account to be taken of significant relevant provisions in the new National Planning Policy Framework, published on 24 July, of which account needed to be taken allow update of the NPPF references and to allow a site inspection.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy

SS1 Presumption in Favour of Sustainable Development

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

- RA1 Rural Housing Distribution
- RA2 Housing in settlements outside Hereford and the Market Towns
- MT1 Traffic Management, Highway Safety and Promoting Active Travel
- LD1 Landscape and Townscape
- LD2 Biodiversity and Geodiversity
- LD4 Historic Environment and Heritage Assets
- SD1 Sustainable Design and Energy Efficiency
- SD3 Sustainable Water Management and Water Resources

2.2 National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 4 Decision making
- Section 5 Delivering a sufficient supply of housing
- Section 6 Building a strong, competitive economy
- Section 8 Promoting healthy and safe communities
- Section 12 Achieving well designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

2.3 Almeley Neighbourhood Development Plan has reached Regulation 16. The consultation period expires 22 August 2018. At this time the NDP is a material consideration but has no weight in the decision making process until the end of that process. An update will be provided in the schedule of updates issued the day before the meeting.

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

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

3. Planning History

3.1 163430 - Erection of two houses - refused 31 July 2017

3.2 143462 - Erection of 2 houses withdrawn

3.3 140977 - Erection of 2 houses withdrawn.

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 Historic England

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

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

2016 letter

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

Historic England Advice

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

Given the sensitivity of the location we would draw your attention to our published Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets and the policy set out in paragraphs 129, 131 and 134 of the NPPF. (now 190, 192 and 196)

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

Recommendation

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

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

4.1.3 Natural England – no objection subject to appropriate mitigation.

4.2 Internal Council Consultations

4.2.1 Historic Buildings Officer -

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

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

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

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

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

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

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

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

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

4.2.5 Transportation Manager no objection subject to conditions.

5. Representations

5.1 Almeley Parish Council – object

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

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

- Damage to historic character of the area and fails to enhance the Conservation Area.
- Outside of the village envelope in the draft NDP
- Known area for wildlife
- Expensive executive houses do not address housing need
- Traffic congestion on narrow lane
- Loss of trees
- History of even earlier refusals in 1976 and 1987
- No need for more housing in Almeley as 14 approved in Woonton and 3 more at Newhouse Farm
- Harm outweighs the 5 yr housing land supply issue
- Street scene drawing is misleading
- Most recently a letter setting out the relevant policies in the Almeley NDP having reached Regulation 16:
 - The proposed development fails to preserve or enhance the character and appearance of the Almeley Conservation Area as required by policies ALM1(b), ALM2(a), ALM10(a).
 - The proposal also fails to conform to the scale, massing, density and building line and layout of this part of Almeley settlement as required by policy ALM10(b) and ALM6(c).
 - The proposal adversely affects the settings of nearby heritage assets, namely Almeley Manor, St Mary's Church, Almeley Castle and medieval fish ponds,

Almeley House, Church House Barn and Manor Cottage in breach of policies ALM4(c) and ALM10(d)

- The proposal by removing the orchard and roadside hedge to the site is in breach of policies ALM3(g), ALM6(f) and ALM10(c). As the proposed development site is outside of the new Almeley Village Settlement boundary it contravenes policy ALM10.
- Immediately to the west of the proposed site access is a blind brow on what is the major highway access to Almeley Village in contravention of policy ALM16.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180889&search=180889

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

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

6. Officer's Appraisal

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

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

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

6.3 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means that where the development plan is absent, silent, or relevant policies are out of date, granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

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

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

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

- 6.5 As such The LPA has a strict duty under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of development on the setting of listed buildings and character and appearance of conservation areas.
- 6.6 NPPF section 16 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 184 – 202. Paragraphs 189 – 192 set out what and how LPAs should consider, and how, 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.

Paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 advises that

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 196 advises that

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

- 6.7 The minimum housing target for Almeley parish originally stood at 33. Since then 23 houses have been approved, (8 of which have been built). Consequently there remains a need for 10 more to achieve this minimum target. At present the Council has a 4.54 year housing land supply (April 2017). The Almeley NDP was deposited for Regulation 16 stage consultation on 27 June. However until the completion of that stage, 22 August, it can be afforded no weight in the consideration of this application. The 'presumption in favour' set out in para 11 of the NPPF therefore applies. An update will be provided in the schedule of updates issued the day before the meeting.
- 6.8 Almeley is designated an RA2 settlement where 'sustainable growth will be supported in or adjacent to those settlements'... Consequently the main consideration is whether any adverse impacts associated with the development would significantly and demonstrably outweigh the public benefits thereof.
- 6.9 In this instance the main source of harm would be upon the heritage assets as set out in para 1.1 and 1.2 above. In addition to policy LD4 paragraphs 193-196 of the NPPF apply.

- 6.10 Following the previously refused application the current proposal has been discussed with the Historic Building Officer, and further minor changes have also been submitted. The conclusion is that the impact of the development upon the heritage assets is less than substantial harm. The Archaeologist comes to a similar conclusion. It is therefore necessary to weigh this less than substantial harm, along with other material considerations against the public benefits of the scheme.
- 6.11 The Transportation Manager has no objection subject to conditions which include setting back the hedge 1m behind the visibility splays. The Ecologist has recommended conditions to the provision of appropriate mitigation/enhancement to satisfy policy LD2. A HRA screening assessment concluded 'no likely significant effect'. In terms of residential amenity it is not considered that the proposal will have any unreasonable impact upon the privacy or amenity of nearby residents.

Planning balance and conclusion

- 6.12 The Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The application in this case is for housing and in the light of the housing land supply deficit must be considered in accordance with the tests set out by paragraph 11 and SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted.
- 6.13 Almeley is identified by the Core Strategy as a sustainable settlement where there is a presumption in favour of proportionate housing growth. In the absence of a NDP which has reached a stage of progression where it may be afforded weight, the village does not have a defined settlement boundary and hence the application has been considered against the locational tests set out in CS policy RA2. The site in this case is considered to be within or adjacent to the settlement, being contiguous with the main built up form of the village. The site is therefore considered to be sustainable in locational terms.
- 6.14 Matters with regards to the potential impact of the proposal upon the setting of designated heritage assets have been carefully considered. The proposals would alter the setting of the Grade I listed St Mary's Church, Grade II* Almeley Manor and Grade II Almeley House, however it is considered that this is less than substantial harm at the lowest end of the scale and this should be weighed against the public benefits of the proposals. The harm to the setting of the castle would also be less than substantial. In accordance with paragraph 196 of the NPPF, this harm should be weighed against the public benefits of the proposal bearing in mind the policy at NPPF 193; which reminds the decision-taker to give "great weight" to the conservation of heritage assets and that the more important the asset, the greater the weight should be.
- 6.15 Whilst a number of permissions have been achieved recently in the settlement, the parish as a whole has not reached its minimum growth target of providing of 33 new dwellings over the plan period and the scheme would contribute to meeting this shortfall. The proposal has also been designed in a manner which has shown due regard to the form, layout and character of the site's setting and would consequently ensure the development would be read as being proportionate to the settlement as a whole. The principle of the development is supported by CS policy RA2.
- 6.16 The identified shortfall in deliverable housing sites represents a material consideration which affords significant weight in favour of the scheme. The scheme would boost the supply of housing within the parish, and this would have consequent social benefits in terms of enhancing and maintaining the vitality and social cohesion of the rural community. In the economic dimension, the scheme would introduce investment in jobs and construction to the area, and

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would support businesses and services in the surrounding area by increasing customer base. The scheme also offers benefits in the environmental sphere in terms of biodiversity and green infrastructure enhancement through the landscaping measures and ecological enhancement scheme. Public benefits are hence identified within the three dimensions that constitute sustainable development, as set out in paragraph 8 of the NPPF, and these benefits are considered to outweigh the less than substantial harm which has been identified to nearby heritage assets. It is your officers' assessment, therefore, that the test prescribed at NPPF 196 is 'passed'.

- 6.17 All other matters have been considered, and there are no issues identified of such material weight that would suggest the scheme would not constitute a sustainable form of development when undertaking the pre-weighted balancing exercise at paragraph 11 of the NPPF (limb 1). The proposal would accord with the relevant policies of the NPPF and the CS, and the application therefore benefits from the positive presumption set out in SS1 and at paragraph 11. The application is therefore recommended for approval subject to the conditions below.

RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans (drwg nos 01,02 rev A, 03 rev A)**
- 3. C01 Samples of external materials**
- 4. D02 Approval of details**
- 5. F14 Removal of permitted development rights**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. I51 Details of slab levels**
- 9. CAC 2m with the hedgerow centre line set back 1m behind the visibility splay and maintained as such.**
- 10. CAK for each property**
- 11. CAZ**
- 12. H06 Vehicular access construction**
- 13. H05 Access gates**
- 14. H09 Driveway gradient**
- 15. H27 Parking for site operatives**
- 16. Prior to commencement of the development, a detailed scheme for the creation and securing in perpetuity the habitat security and management of the 'Biodiversity**

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Corridor' should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

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

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

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

- 18. L02 No surface water to connect to public system**
- 19. E03 site observation – archaeology**
- 20. I16 Restriction of hours during construction**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use alongside a possible potentially infilled well. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land.**
- 3. I11**
- 4. I09**
- 5. I45**
- 6. I05**

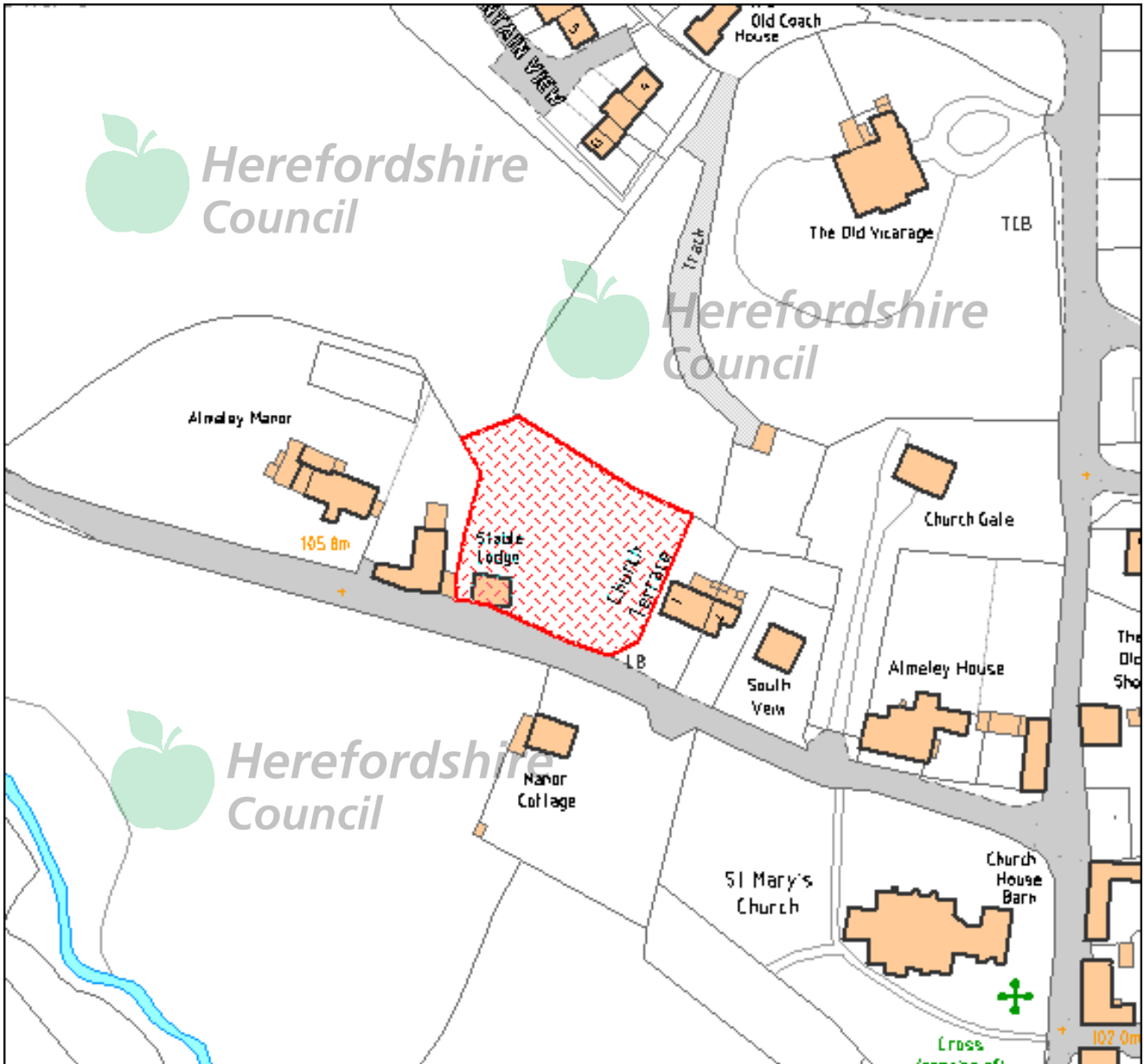
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 180889

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

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