

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>27 February 2019</b>
<b>TITLE OF REPORT:</b>	<b>183083 - CHANGE OF USE OF AGRICULTURAL BUILDINGS AND LAND TO RESIDENTIAL DEVELOPMENT (USE CLASS C3). INCLUDING DEMOLITION, CONVERSION AND EXTENSIONS OF AGRICULTURAL BUILDINGS TO FORM 3 NO. DWELLINGS AT MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF</b>  <b>For: Helen Beale per Mr Greg Collings, 1 Kings Court, Charles Hastings Way, Worcester, WR5 1JR</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183083&amp;search=183083">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183083&amp;search=183083</a>
<b>Reason Application submitted to Committee – Council application</b>	

**Date Received: 16 August 2018**      **Ward: Stoney Street**      **Grid Ref: 343128,241209**  
**Expiry Date: 12 October 2018**  
Local Member: Councillor SD Williams

**1. Site Description and Proposal**

- 1.1 This application seeks full planning permission for the conversion of agricultural buildings to three dwellings. The dwellings will provide one three bed property and two four bedroom properties at Magnolia Farm in Canon Bridge.
- 1.2 Magnolia Farm is located to the north of the village of Madley (approximately 1.9 miles away) and to the south west of the River Wye. The site measures approximately 0.71 ha.
- 1.3 The barns at the centre of this application are largely constructed from red facing bricks with profiled metal sheeting on the roof. The buildings lie perpendicular to Magnolia Farm Road. There are more modern agricultural buildings within the complex which are not proposed for conversion and would be demolished. These can be clearly identified on the photograph below (figure 2.0, page 2 of the submitted Planning Statement).



- 1.4 The site as a whole was formerly let as an agricultural tenancy but is no longer required due to modern farming practices and as a result the buildings have fallen into disrepair.
- 1.5 Along with the conversion of the existing buildings, two garages will be erected to the south of unit 3, providing parking for this unit and unit 2. An extract of the proposed scheme can be found below and indicates the three units along with the parking and access arrangements.



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

- 1.6 Planning permission was granted for change of use of agricultural buildings located to the south west of the site and across the road (Canon Bridge Farm) to five dwellings in 2016 (under ref: 153633). These were also former Herefordshire Council owned buildings.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA2	-	Housing in Settlements Outside of the Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
RA5	-	Re-use of Rural buildings
H3	-	Ensuring an Appropriate Range and Mix of Housing
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	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 2.2 Madley Neighbourhood Development Plan

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

### 2.3 National Planning Policy Framework (2018) (NPPF)

Chapter 2	–	Achieving Sustainable Development
Chapter 4	–	Decision Making
Chapter 5	–	Delivering a Sufficient Supply of Homes
Chapter 9	–	Promoting Sustainable Transport
Chapter 12	–	Achieving Well-Designed Places
Chapter 15	–	Conserving and Enhancing the Natural Environment
Chapter 16	–	Conserving and Enhancing the Historic Environment

## 3. Planning History

- 3.1 153633/CD3 (on land across Magnolia Farm Road to the south east of the site) – Proposed change of use of traditional agricultural buildings to five dwelling houses, associated works and new vehicle entrance. Approved

SW101189/CD – Replacement barn. Council approved application

SH961400PF – Erection of a steel portal frame extension to existing farmbuilding for general purpose agricultural use. Approved

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

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Natural England

##### SUMMARY OF NATURAL ENGLAND'S ADVICE

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**  
As submitted, the application could have potential significant effects on River Wye Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained. Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta. Read the case (ref: C-323/17).

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

##### Internationally designated site

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) a European designated site (also commonly referred to as Natura 2000 sites), and the River Wye Site of Special Scientific Interest (SSSI) and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Due to the nature of the proposal and the potential pathways to the protected designated sites, we advise that you undertake a Habitats Regulation Screening assessment and consider whether there is a likely significant effect either alone or in combination.

A Habitat Regulations Assessment - Appropriate Assessment (HRA AA) was sent to Natural England on 30 January 2019 with a recommended condition. The following response was received on 5 February 2019:

**NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below.

#### Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### **European site - River Wye SAC - No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

#### **River Wye SSSI – No objection**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Internal Council Consultations

- 4.2 **Transportation Manager** – no objection subject to the attachment of recommended conditions
- 4.3 **Conservation Manager (Landscapes)** – no objection

This advice is based on observations taken from a site visit on 2 October 2018; a review of application material; and a desktop study. It concludes that the proposal in terms of landscape treatment is understated and requires conditions. The application does not exploit the relevant designations (listed below) and the farm character (refer to NPPF paragraph 127 and Core Strategy LD1 and LD2). In addition, soil health has not been addressed in areas of demolished agricultural infrastructure turned over to landscape for residential use.



Fig 1: The layout of the courtyard appears fragmented; vehicle dominant and paths to building entrances do not correspond with architectural layouts.



Fig 2: Outline Drainage Strategy, with SuDS permeable paving identified by the pink hatch.

#### 4.4 Conservation Manager (Building Conservation) – initially requested further information

Recommendations:

Request further information. Elements of the proposals would not reflect the agricultural character of such buildings and as such would not comply with policy RA5 of the adopted Herefordshire Core Strategy.

Background to comments:

Pre-application advice has been given ref 173969. This advice outlined that the large dutch and modern barns would not be considered convertible under RA5 as they were not permanent and substantial construction. There was some doubt over whether those buildings to the South of the site would be considered convertible.

Comments:

The provision of parking and storage is welcomed and this would help to mend the courtyard layout, reinforcing the original character. However it is felt that there is more opportunity for the design of the garaging and bin store to reflect the agricultural character of the site, perhaps by recessing the bays slightly behind the line of the roof and having a solid wall, rather than infill to the end sections. The lean to arrangement of the bin store, if replaced by a continuation of the pitch, would further reinforce the character of the buildings.

The retention of the pig sty openings to the N of the site is welcomed. In terms of the North elevation of this building it is felt that there is greater opportunity to respond to the agrarian character of the site. The top lights and raised cills to the windows gives a domestic feel to the buildings.

Provided that the conversion to the Southern buildings can take place without reconstruction we would have no objection in principle. We would ask for amendments to the fenestration of the barn (Unit B in the SE report) which currently is more domestic in appearance.

In terms of the sub-division of plots and layout of the courtyard, it is felt that there is further opportunity to respond to the agricultural character of the site. For example the hammer head within the courtyard and arrangement of parking.

**Following amended plans, a re-consultation was sent with the Council's Historic Building Officer commenting on 10 January 2019 as follows:**

Recommendations:

Recommend Approval with conditions subject to minor alterations. Aspects of fenestration have domestic characteristics which detract from the scheme., in particular the use of lower sections of infill. We would recommend that the majority (not necessarily all) of these are full height glazing where possible. Policy RA5 would apply.

Conditions.

External Materials CE9/LBC03 adapted.

Roofing CG5/LBC17 (standard manufacturers details are acceptable, key thing is traditional detailing.

Joinery CH8/LBC29 (Colour scheme is important, we wouldn't permit the use of stain or white paint.)

Services CJ2/LBC41

Rainwater goods CI2/ LBC32

Background to Recommendations:

These comments should be read in conjunction with previous comments on the proposals and pre-application advice.

**Following further amended elevational plans, a re-consultation was sent with the Council's Historic Buildings Officer commenting on 23 January 2019 as follows:**

Comments: Recommend approval subject to conditions.

Conditions: Exterior colour scheme, Roofing details (can be manufacturers standard traditional details) samples of external materials, external joinery schedule, landscaping.

**4.5 Conservation Manager (Ecology) – no objection**

Subject to Natural England formally approving the required Habitat Regulations Appropriate Assessment (HRAA) submitted to them the following conditions are requested to secure all relevant mitigation should planning consent be granted:

**Habitat Regulations (River Wye SAC) - Nature Conservation Protection**

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

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2.*

*Informative: The CEMP should include all relevant ecological working method statements including but not limited to, Bats, Otters, Birds, Trees, Reptiles and Amphibians.*

- **Habitat Regulations (River Wye SAC) – Surface Water**

*All surface water from the dwellings approved under this decision notice will be managed through a Sustainable Drainage Scheme on land under the applicant's control as stated in the planning application form and drainage report by HYDROGEO dated July 2018, and this scheme shall be maintained hereafter as approved, unless otherwise agreed in writing by the Local Planning Authority. . In compliance with Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.*

*Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.*

- **Habitat Regulations (River Wye SAC) – Foul Water Management**

*All foul water from the dwellings approved under this decision notice shall discharge through individual Package Treatment Plants with soakaway drainage fields located in the garden of each dwelling as stated in the planning application form drainage report by HYDROGEO dated July 2018; unless otherwise agreed in writing by the Local Planning Authority. In compliance with General Binding Rules and the Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI*

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018), General Binding Rules, and Herefordshire Council Core Strategy (2015) policies LD2, retained Biodiversity SPG and SD4.*

The supplied ecology report is noted but given the proximity to the River Wye which is known to support an established Otter population a suite of fully detailed ecological working method statements has been requested to form part of the required CEMP. This CEMP will ensure all species are appropriately considered during all works on the site.

It is key that NO external light illuminates the areas of the gardens or from there down to the River Wye SAC/SSSI to ensure there are no negative impacts or disturbance on species within the SSSI Citation, nocturnal wildlife and wider protected species a relevant Condition is requested.

**Nature Conservation – Ecology Protection - Lighting**

*At no time shall any external lighting illuminate the gardens or area between the dwellings approved under this decision notice and the River Wye SAC (SSSI) without the prior written approval of this local planning authority. This is to ensure there is no detrimental impact on bat, nocturnal bird and small mammal commuting and foraging in the locality and to help ensure the security of local 'Dark Skies'.*

*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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC 2006. NPPF-DEFRA Dark Skies Guidance 2013 (2018).*

To secure relevant biodiversity enhancements in line with NPPF, NERC Act and the Council's Core Strategy a suggested condition would be:

### **Nature Conservation – Ecology Biodiversity Enhancement**

*Biodiversity enhancements as detailed in the supplied ecology report by Elizabeth McKay dated November 2017 shall be established in relevant locations within the application site and dwellings approved under this decision notice and hereafter be maintained unless otherwise approved in writing by the local planning authority.*

*Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.*

A Habitat Regulations Assessment- Appropriate Assessment (HRA AA) was sent to Natural England on 30 January 2019 with a recommended condition in light of the comments received from Natural England.

## **5. Representations**

### **5.1 Madley Parish Council – comment**

The above application was discussed at the PC Meeting on 8.10.18 & followed up with a visit to the site & the surrounding area yesterday.

The Parish Council is pleased to see semi-derelict brownfield land being brought back to useful life & commends the policy of layout & design in keeping with the rural surroundings.

Concern was expressed at the proximity of the R. Wye (50 metres) to this & presumably further development on the large area of "brownfield" becoming available at Canon Bridge. We note that the adjacent site (153633) has, after receiving out line permission, been sold on for active development. In this respect we trust the professional experts to be able to mitigate any harmful effects on this conservation area (SAC), especially if more development is to be expected. Environmentally safe dispersal of foul & surface water must be prioritised

Further concern centred on the very narrow access roads both from Madley Cross & "The Comet" pub. (Stone St.) Perhaps the even more compromised road from Handley's Cross should be added. Each of these are in regular use by ever larger agricultural vehicles & passing places are very limited. Depending on the extent of further development at Canon Bridge this problem should be fully addressed if only for the benefit of the new occupiers of the properties. We note that the two applications so far provide 22 parking spaces & garages for just 8 dwellings. Given the remote setting of Canon Bridge we must anticipate regular increased car use to Madley village facilities & beyond. Walking & cycling are not safe options!

5.2 To date two representations have been received to the proposal. The comments therein are summarised below:

- Enough residential properties on this very narrow, un-lit, un paved road
- Note the requirement to build two new double garages and extend unit 3 to the west in order to preserve the 'C' shape of the courtyard. We assume that planning regulations permit this
- There is no garage and nowhere for storage within unit 1. Bungalows appeal to older purchasers who want garages rather than bedrooms. Question whether it is realistic to give permission for three rather than two dwellings

- Reducing the number of permitted dwellings to two would also alleviate problems on the local single track roads.
- The nature of farming has changed from animal husbandry to large scale crop growing involving much larger farm vehicles.
- Five footpaths emerge onto Madley/Canon Bridge Road which is popular with dog walkers
- The proposed dwellings in both local developments (ref: 153363) are primarily bungalows will appeal to older purchasers who are likely to struggle to cope with the increased traffic and need to reverse
- We find the following comments by Fisher German naïve and inaccurate: 'It is considered that the local highway network would be able to support the additional traffic generated by the proposed development, given that the traffic would be both modest and when compared to traffic generation from the previous use of the site as a farmstead' .
- Red line on site plan shows a building belonging to Canon Bridge House as included in the ownership of the development plan. *This has since been amended*
- It is unclear what the space marked as Paddock 1 and Paddock 2 will be used for. It is the intention for the land adjacent to the river, delineated by the blue line, to be retained in Council ownership?
- This riverbank is steep, dangerous and prone to flooding
- The area with the 'C' shaped courtyard is substantial and would be greatly enhanced by suitable tree planting. This should be made a condition of granting approval

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=183083&search=183083](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183083&search=183083)

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

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

## 6. Officer's Appraisal

### *Policy context and Principle of Development*

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

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

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

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

6.4 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

- 6.5 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.6 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.7 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Madley is identified as a settlement within figure 4.14.
- 6.8 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, Madley NDP is only at drafting stage and it therefore carries no weight at this time for decision making.
- 6.9 The site is identified on the plan below by the blue star:



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

- 6.10 As can be seen from the above plan, the site lies away from the main built up part of Madley, which is largely located along the C1196 and B4352, approximately 2.5km to the south west. With this in mind, and conflict arising with policy RA2, the principle of new build residential development in this location is not found to be acceptable.
- 6.11 In such locations as this, a proposal would fall to be assessed against Policy RA3, which contains a list of excepted residential development in open countryside. This includes, inter alia, replacement dwellings, agricultural workers dwellings and at criterion 4, the sustainable re-use of redundant or disused buildings where they comply with Policy RA5 and would lead to an enhancement of its immediate setting.
- 6.12 Policy RA5 includes several criteria that a proposal should meet in order to represent a sustainable re-use. For ease, these are found below:
1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;
  2. design proposals make adequate provision for protected and priority species and associated habitats;
  3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;
  4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and
  5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.
- 6.13 The application is accompanied by an ecological survey which comments on the site as a whole, acknowledging that some of the buildings will be demolished as part of the proposal. The findings of the report are that the buildings have low suitability for roosting bats because of the nature of their construction and no evidence was found despite a thorough search during the summer months. No further bat surveys are therefore recommended. Nesting birds were noted in certain outbuildings and trees and scrub to the south of the outbuildings also provides suitable habitat for nesting birds. Therefore precautionary measures have also been recommended because of the legal protection which nesting birds receive. Compensatory hedgerow planting and provision of nesting opportunities within the development have also been recommended. Enhancement measures are also suggested including new bat roosts and landscaping. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections to the scheme following the submission of the HRAA.
- 6.14 The application is also submitted with an accompanying structural report which has examined each building on the site, including some which are not proposed for conversion under this application, but rather will be demolished (barns D and E which are located in the centre of the site).
- 6.15 The two facing red brick barns (Barns A and C within the structural report) are found to be capable of conversion but will require re-roofing. The dutch gabled building sited at the end of barn C is stated as '...basically relying on the curvature of the roof and the steel braces to hold

its shape. This is sufficient for an agricultural barn but would be inadequate for residential loading. The roof will need to be re-structured’.

- 6.16 Initially, the proposal looked to not only re-roof and re-clad the dutch barn but also extend it and accommodate a guest room on the ground floor and additional bedroom on the first floor. There is an extension also proposed on the south of unit 3 providing storage and car parking for two of the units on the site.
- 6.17 The alterations that are proposed to the buildings, along with the extensions, were considered to tip the scheme over to a point that cumulatively impinged upon the agricultural character of the site. As a result, the extension to the dutch barn has been removed. While the other extension remains within the scheme, rather than provide habitable accommodation, it will be used for storage and parking purposes. The extension is single storey and perpendicular to unit 3 in a form that is not out of keeping with a farmstead complex, resulting in an appropriate courtyard arrangement.
- 6.18 Moving onto other alterations to the buildings, while existing openings will be utilised, new ones will also be required. Amendments have been sought by the Council’s Historic Buildings Officer in order to respond fully to the agrarian character of the buildings. The elevation plans have been amended to reflect these comments and now result in a scheme that has been positively influenced by the existing site, previous use and its locality.
- 6.19 In light of the amendments that have been made through the application process, the scheme is now found to represent one that protects the character and appearance of the buildings as well as the wider landscape. As such, the proposal is found to be compliant with policies RA3 and RA5. With the principle having been established, the technical areas of the application are covered below.

#### Design and amenity

- 6.20 While the design of the buildings has been touched on above, the detail of this is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.21 The proposal includes three units comprising one three bedroom property and two four bedroom properties. Unit 1 is located to the south of the complex and is made up of a lounge, kitchen, four bedrooms, two ensuites and a bathroom. Unit 2 is attached to unit 1 and located to the south west of the site. This is split over two floors and, following the removal of the extension, now includes a kitchen/dining area, sitting room and one bedroom on the ground floor with an additional two bedrooms and ensuites on the first floor. Unit 3 is located to the north of the site and single storey. The accommodation therein includes a dining room, kitchen, lounge, four bedrooms, one ensuite and bathroom. The attached pigsties to the east will be re-used as external storage for unit 3.
- 6.22 Each unit will benefit from private amenity space to the rear bounded by either hedgerow and post and rail fencing. The size of garden space is found to be an adequate level for a three or four bedroom property. The area to the west of the complex will be retained as paddock land and not changed to curtilage associated with the dwellings. In terms of ownership, this is not a matter for the planning process but it is noted that this is within the applicant’s ownership at the current time.
- 6.23 With regard to the amenity of both future occupants, noting the arrangement of fenestration, these will either look onto the rear gardens associated with the associated dwelling or onto the

courtyard at the centre of the complex. Barn conversions often have close relationships with one another. As such, the units are found to provide an adequate amenity given their setting.

- 6.24 Turning to the amenity of neighbouring dwellings, the conversion scheme permitted to the east and across Magnolia Farm Road is noted. There are windows proposed in the western elevations of units 1 and 2 (of the neighbouring scheme) which face onto the Road and towards the current scheme. However, given the siting of the windows within the Magnolia Farm scheme, and the orientation between the two complexes, there are not found to be resultant overlooking issues that will impact on the amenity of any future occupiers of either development.
- 6.25 Moving onto existing dwellings, Canon Bridge Farm is a Grade II listed building with various outbuildings and lies to the north of the site. While the impact of the proposal on the setting of the designated heritage asset will be assessed below, in terms of amenity impacts and noting the distance from the buildings at the centre of the scheme, issues of overlooking or overshadowing are not anticipated. Subject to adequate boundary treatments, the amenity of both unit 3 and the neighbouring properties will be protected.
- 6.26 The barn located to the south of the site has been converted to a dwelling and lies approximately 45m to the rear elevation of units 1 and 2. With this distance in mind, and again subject to adequate boundary treatments that are in keeping with the conversion, the scheme will not impact negatively upon the amenity of those neighbouring occupants.

#### Highways safety

- 6.27 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).
- 6.28 Access onto the site will be taken from the west of Magnolia Farm Road. There are currently three accesses to the site – one to the north of the most northern barn, one in between the two barns and one to the south of the southern barn. The proposed access will result in all three of these accesses being closed up with the middle access essentially being relocated more centrally on the site.
- 6.29 The size of dwellings indicates the level of car parking required, with the standards being contained within the Council's Highways Design Guide. For a three bedroom property a minimum of two car parking spaces are required. For a four bedroom property a minimum of three spaces are necessary. As seen on the block plan, double garages are proposed for units 2 and 3. In addition to this, the courtyard in the centre of the complex will provide car parking also. With a total of 8 car parking spaces required, these could be accommodated on the site in a safe way that also allows for adequate turning areas. In light of this, while a garage is not proposed for unit 1, as this is not a necessity, the parking arrangements are found to be acceptable.
- 6.30 It is recognised that one of the main concerns raised in local responses to the application relates to the suitability of the local road network. With regard to the cumulative highways impacts as a result of the proposed development along with the permitted scheme to the east, the Council's Transportation Manager is aware of the neighbouring permission. This notwithstanding, the addition of three new dwellings would not result in highways impacts that would be classed as severe. The previous agricultural use on the site is also noted which brings

about far larger vehicles. While the comments within the representation are noted in this regard, the previous use of the site is a material planning consideration in this case.

- 6.31 The comments received from the Council's Transportation Manager endorse the above view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS.

#### Impact on designated heritage asset

- 6.32 Given the proximity to the Grade II listed Canon Bridge House to the north of the proposal site, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged requiring the decision-maker to have special regard for the desirability of preserving the setting of such assets.
- 6.33 Policy LD4 of the Core Strategy is also relevant in terms of local planning policies. This policy states that 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.
- 6.34 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.
- 6.35 The NPPF sets out in paragraph 185 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 shall be conserved in a manner appropriate to their significance taking into account:
- 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.
- 6.36 Paragraphs 193 – 196 set out what and how LPAs should consider in determining planning application which feature historic assets. Paragraph 195 states that 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.37 Paragraph 196 states 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, where appropriate, securing its optimum viable use.

- 6.38 Given the comments received from the Council's Historic Buildings Officer, no harm to the setting of the adjacent listed building has been identified. However, whilst the barns at the centre of this application are not listed in their own right, they are, by association with Canon Bridge House, non designated heritage assets. In accordance with paragraph 197 of the NPPF, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal does not seek the removal or loss of the assets and the scheme that has been proposed is found to protect the significance of the buildings. Furthermore, the retention of the buildings and the creation of the courtyard arrangement will ensure that the relationship between these buildings and Canon Bridge House can still be read.

#### Ecological impacts

- 6.39 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.40 The application has been submitted with a baseline ecology survey. The survey states recommendations that should be undertaken as part of the scheme including the timings of building demolition and any hedgrow removal, bat and bird enhancements, landscape enhancements and lighting arrangements on the site. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections to the proposal or the HRA AA that was sent for their consultation.
- 6.41 With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policies LD2 and LD3.

#### Foul and surface water implications

- 6.42 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.43 The application form which accompanies the proposal states that foul water will utilise package treatment plants with soakaway drainage fields. Surface water will be disposed of by a Sustainable Urban Drainage system. Given the size of the site, the principle of these methods is found to be acceptable. There is also an opportunity for a betterment in drainage terms given that the large expanse of hardstanding on the site will be reduced in order to create individual garden space for the dwellings. As such, it is considered that the requirements of Policies SD3 and SD4 would be satisfied subject to suitably worded conditions.

#### Other matters

- 6.44 With regard to comments raised within the representations, the single storey nature of the scheme is one that is in keeping with the previous use and re-uses the appropriate buildings on the site. Whether these will attract older purchasers is not found to be relevant in relation to the lack of a garage which, as stated above, is not a necessity, or being unable to manoeuvre a car.

6.45 The highways implications of the proposal have been touched on above, and the Council's Highways Officer does not object to the proposal. The application that has been submitted is to be assessed and for the reasons stated above, the site and infrastructure is found to be adequate to accommodate three dwellings.

#### Conclusion and planning balance

6.46 Paragraph 8 of the NPPF advises that there are three dimensions to sustainable development; economic; social and environmental. Paragraph 11 of the NPPF sets out how this is to be applied in practice, advising that proposals that accord with the development plan should be approved without delay. Policy SS1 of the Core Strategy reflects this guidance.

6.47 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.

6.48 While the site is located away from the built up part of the settlement, the scheme proposes the re-use of existing buildings to create three residential properties of 3 and 4 bedrooms. The scheme that has been proposed for the conversion ensures that the non designated assets are retained and re-used in a sympathetic manner, ensuring compliance with chapter 16 of the NPPF. The principle of development is therefore found to be acceptable. Following amendments to the design of the buildings, including the removal of an extension located on unit 2 and fenestration alterations, the scheme is now found to respect the agricultural character of the original buildings and be capable of conversion without substantial extension or alteration.

6.49 While the comments received through the representations are noted, as covered above, in terms of design, highways, ecology and drainage impacts, the proposal is found to be compliant with the relevant policies within the Core Strategy subject to recommended conditions.

6.50 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward three dwellings with the associated economic and social benefits that small developments in rural hamlets support.

#### **RECOMMENDATION**

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

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C13 Samples of external materials**
- 4. C27 Details of external joinery finishes**
- 5. C32 Specification of guttering and downpipes**
- 6. C65 Removal of permitted development rights**
- 7. CAD Access gates (5m)**

8. CAH Driveway gradient
9. CAL Access, turning area and parking
10. CAZ Parking for site operatives
11. CB2 Secure covered cycle parking provision
12. Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

**Reason:** In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2.

13. All surface water from the dwellings approved under this decision notice will be managed through a Sustainable Drainage Scheme on land under the applicant's control as stated in the planning application form and drainage report by HYDROGEO dated July 2018, and this scheme shall be maintained hereafter as approved, unless otherwise agreed in writing by the Local Planning Authority. . In compliance with Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

**Reason:** In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

14. All foul water from the dwellings approved under this decision notice shall discharge through individual Package Treatment Plants with soakaway drainage fields located in the garden of each dwelling as stated in the planning application form and drainage report by HYDROGEO dated July 2018; unless otherwise agreed in writing by the Local Planning Authority. In compliance with General Binding Rules and the Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI

**Reason:** In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018), General Binding Rules, and Herefordshire Council Core Strategy (2015) policies LD2, retained Biodiversity SPG and SD4.

15. At no time shall any external lighting illuminate the gardens or area between the dwellings approved under this decision notice and the River Wye SAC (SSSI) without the prior written approval of this local planning authority. This is to ensure there is no detrimental impact on bat, nocturnal bird and small mammal commuting and foraging in the locality and to help ensure the security of local 'Dark Skies'.

**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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy

Framework (2018), NERC 2006. NPPF-DEFRA Dark Skies Guidance 2013 (2018).

- 16. C96 Landscaping scheme
- 17. C97 Landscaping scheme - implementation

**INFORMATIVE:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

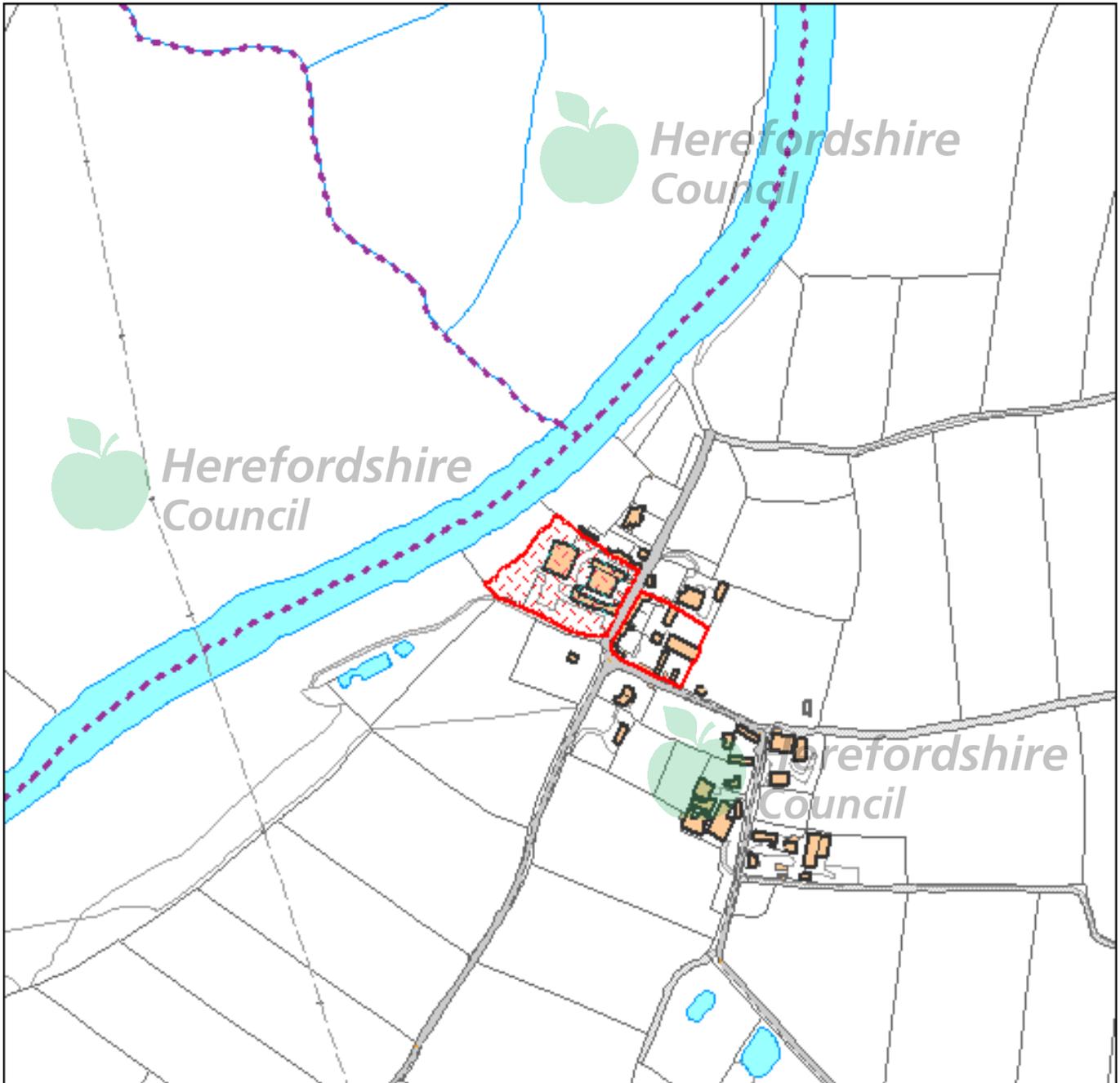
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 183083

**SITE ADDRESS :** MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF

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