

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 APRIL 2019
TITLE OF REPORT:	183281 - PROPOSED FIVE BEDROOM DWELLING TO THE REAR OF SWAN HOUSE AT SWAN HOUSE, WEST STREET, PEMBRIDGE. For: Mr Smith per Mr Alex Whibley, 43 College Road, Hereford, HR1 1EE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183281&search=SWAN%20HOUSE
Reason Application submitted to Committee – Re-direction	

Date Received: 3 September 2018

Ward: Arrow

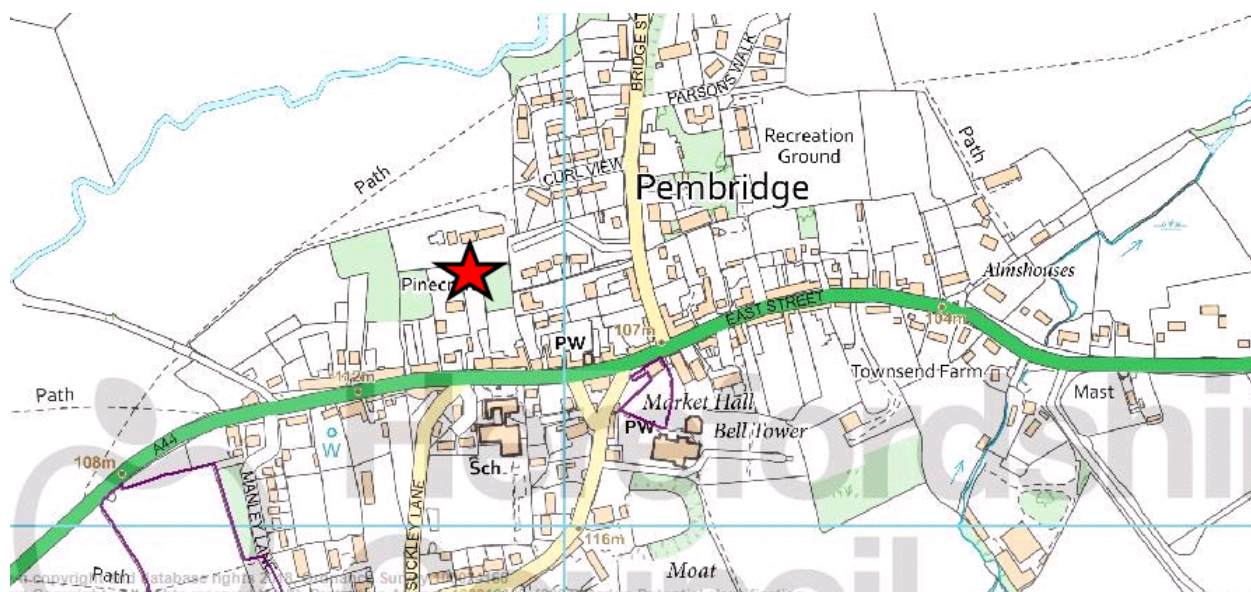
Grid Ref: 338984,258222

Expiry Date: 12th April 2019

Local Members: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The application relates to a site in the village of Pembridge in north-west Herefordshire. The village displays a predominantly linear settlement pattern and its historic core is characterised by wayside development running broadly east to west alongside the A44. More modern development extends off this on Bridge Street to the north and on Bearwood Lane to the south. The application in this case relates to a site on the west side of the village and to the north of the A44 (West Street). The location of the site is denoted by the red star on the map below.



Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

Figure 1: Site Location

- 1.2 The proposal site is currently associated with the dwelling known as Swan House. The dwelling is sited at the end of a terrace of properties and is listed at Grade II*. It fronts onto the A44 to the south and has an elongated curtilage to the rear which forms part of the village's historic burgage plot layout. The proposal site comprises the northern portion of the curtilage and totals approximately 580m² in area. It is currently used as a garden and hosts a number of large shrubs and trees. The topography is relatively flat. The whole site is within the Pembridge Conservation Area.
- 1.3 The site is adjoined by domestic gardens to the east, whilst a relatively modern (~mid 2000's) dwelling known as Pinecroft occupies the plot to the west. To the north the site is adjoined by a group of residential properties which are currently under construction and known locally as the 'Ruby Development'. These are accessed from Bridge Street to the east.
- 1.4 The current application is submitted in full and seeks planning permission for the erection of a single dwelling. The plot and the proposed access arrangements are shown on Figure 2 below. Access to the site would be gained from the north via the estate road that serves the Ruby Development, which in turn links back to the C1032 Bridge Street approximately 140m to the east via the Sandiford Ploc cul-de-sac.



Figure 2: Site Location and Access Plan

- 1.5 The new dwelling would be two storeys in height and would provide five bedrooms of accommodation. The scheme has adopted a contemporary design approach, with the dwelling being predominantly linear in form with an elongated dual pitch ridge orientated broadly north to south. There would be a flat roof projection from the centre of the west elevation which would accommodate a garage and stairwell, giving the building a 'T' shaped footprint overall. The external materials would predominantly be white render with black stained timber cladding under a slate roof. An area of parking and turning space would be formed to the north of the dwelling. A small number of trees would need to be removed from the site in order to accommodate the development, which are detailed in the supporting Tree Report. The proposed plans are shown in Figure 3 and Figure 4 below.



Figure 3: Proposed Elevations

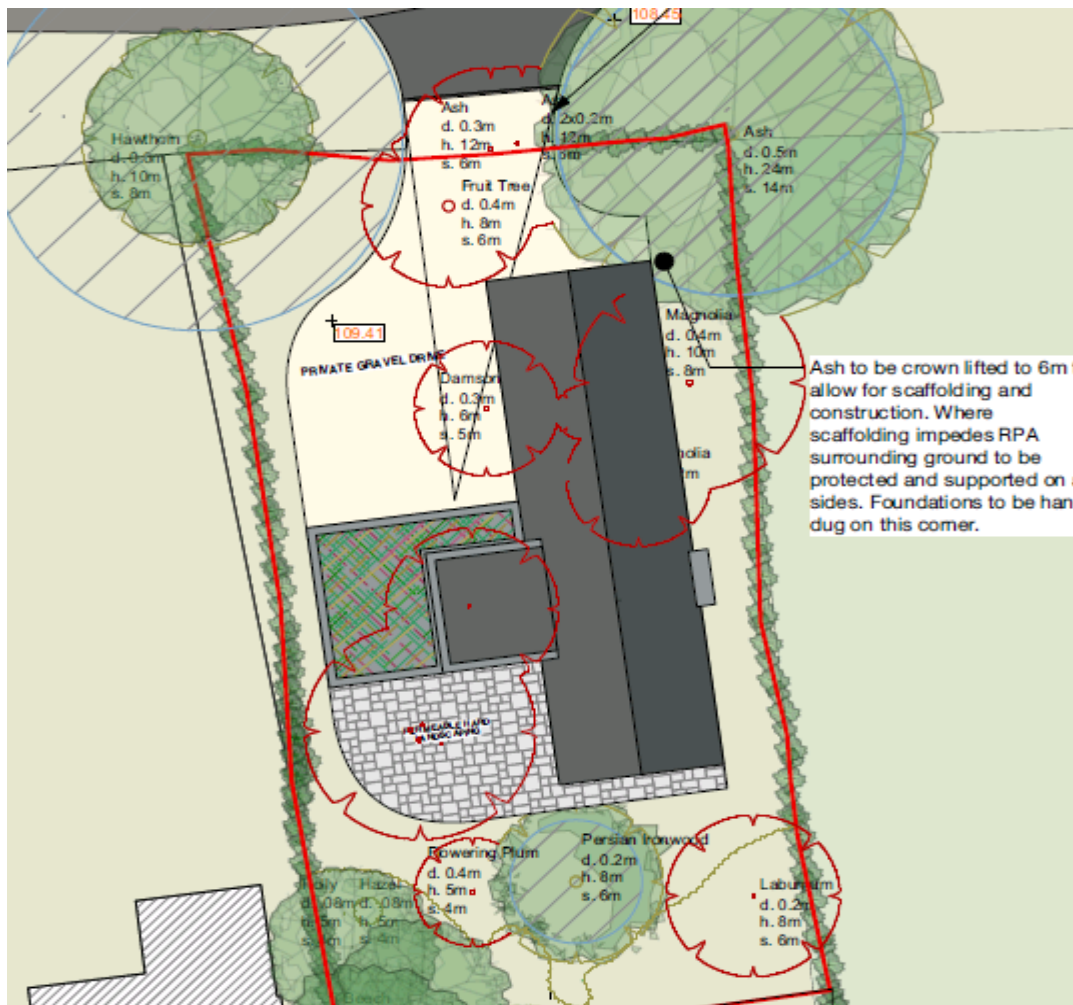


Figure 4: Proposed Site Plan

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2015

The following policies are considered to be of relevance to this application:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- 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
- 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

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:-

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

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

2.2 Pembridge Neighbourhood Development Plan

The Pembridge Neighbourhood Development Plan passed local referendum on 28th February 2019. It was formally 'made' (adopted) on the 29th March 2019. It consequently forms part of the development plan and attracts full weight.

PEM1: Promoting Sustainable Development
PEM2: Development Strategy
PEM3: Housing Development in Pembridge Village
PEM5: Meeting Housing Needs
PEM6: Design Criteria for Residential Development
PEM7: Providing for Local Housing Need
PEM18: Retaining the Natural Environment and Landscape
PEM19: Protecting Heritage Assets
PEM20: Development within Pembridge Conservation Area
PEM22: Sewerage and Sewerage Infrastructure
PEM23: Sustainable Design
PEM25: Highways Design Requirements

The Neighbourhood Plan and its supporting documents can be viewed via the following link:
https://www.herefordshire.gov.uk/directory_record/3094/pembridge_neighbourhood_development_plan

2.3 The National Planning Policy Framework (Revised February 2019)

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well design places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
15. Conserving and enhancing the historic environment

3. **Planning History**

3.1 None directly relevant to this site.

3.2 The following permission however relates to the development to the north of the site and is relevant in so far as it provides the means of access to the current proposal site.

- *P163651/F - The proposed erection of 7 dwellings – Approved March 2017*

4. **Consultation Summary**

Statutory Consultations

4.1 **Historic England makes the following comments:**

First Consultation Response (October 2018);

The application site lies in the Pembridge Conservation Area on land to the rear of Swan House, a Grade II* listed fourteenth century hall house. The site contributes to the significance of the conservation area in terms of its characteristic medieval morphology of plots laid out in burgage style with buildings fronting the street and, in succession to the rear, gardens, orchards and open fields. Twentieth and twenty-first century residential development of orchards and open fields has and is taking place in the vicinity of the site. Its impact on the contribution made by the high quality aesthetic value of East Street to the significance of the conservation area is minimal; nevertheless the way that morphology contributes to character of this part of the conservation area is changing as former orchards and fields become more developed. The site makes a contribution to the historical value of Swan House as part of its historic burgage plot. However, the principal significance of Swan House lies in the evidential and aesthetic value of exceptionally high quality fourteenth century timber framing that appear to be remnants of the open hall range of a larger building that has lost its solar wing (to the west) and seen its service wing (to the east much reduced and separated as a dwelling called School View). In the case of Swan House, the frame is entirely obscured by a later re-fronting which was itself rebuilt in the 1980s. As part of the setting of Swan House the application site thus makes only a limited contribution to its significance.

The proposed new dwelling will change the appearance of the conservation area and the setting of the Grade II* listed building. Section 16 of the NPPF is clear that great weight should be given to the conservation of heritage assets (para.193) and that any harm including from development within their setting requires a clear and convincing justification (para.194). The NPPF is also clear that new development should make a positive contribution to local character and distinctiveness (para.192) and, where it enhances or better reveal significance, it should be treated favourably (para.200). In this regard policy in section 12 of the NPPF on achieving good design is also relevant.

In considering the proposed new dwelling, Historic England is disappointed that our pre-application advice recommending a statement of significance and a stepped approach to assessment of impact (as set out in our Historic Environment GoodPractice Advice in Planning Note 3: The setting of Heritage Assets) has not been followed. However, following a site visit and on the basis of our own assessment of how the site contributes to significance, we consider that the principle of development on the rear of the Swan House burgage plot represents a change that is without harm to the conservation area. As change within the setting of the Grade II* listed building it may be seen as part of an historic continuum of burgage plot sub-division that in this particular case has limited impact on the historical value of the heritage asset and no impact on the fourteenth century timber frame that is key to its significance. We appreciate the elements of design (5.6m span, linear alignment, pitched roof) that respond to local historic built forms but are less convinced that the very crisp rather harsh, monotone elevations and materials make a positive contribution to local character and distinctiveness or enhance or better reveal significance.

The proximity of the site to the Grade II* listed building and its location in the historic core of the conservation area present an opportunity to create a uniquely distinctive property that delivers the policy contained in section 12 of the NPPF. We encourage you to pursue this by negotiating further development of the design.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192 and 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural

or historic interest which they possess and section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Second Consultation Response (January 2019)

Our letter of 17 October 2018 advised that we had no objection to the principle of a new dwelling in this location but felt that its design could be amended to better deliver the policy requirements set out in sections 12 and 16 of the NPPF concerned with making a positive contribution to local character and distinctiveness and achieving high quality design. While we welcome the Heritage Statement now submitted, we regret that this does not appear to have prompted a design review or resulted in any amendments to the design of the proposed dwelling. The concerns set out in our letter of 17 October 2018 therefore remain.

Recommendation

Historic England has concerns regarding the application on heritage grounds

4.2 Natural England – No comments to make.

4.3 Welsh Water – No Objection (Condition Recommended)

We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the mains sewer and surface water to a soakaway. Whilst we have no further comment on the surface water proposal we welcome the introduction of sustainable drainage. With regards to foul water it is unclear how the site will effectively drain and how the adjacent site will accommodate this proposal as well.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Internal Council Consultations

4.4 Conservation Manager (Historic Buildings) – No Objections (Conditions Recommended)

First Consultation Response (October 2018);

Request further information: Section 189 of the NPPF requires applicants to provide a heritage statement describing the significance of heritage assets affected by the proposals.

The site lies within the Pembridge Conservation area between an area of generic modern suburban style housing and the linear main street of Pembridge with several listed, timber framed buildings. Pembridge is characterised as a linear medieval settlement with a core of market, castle and church towards the South of the main street. The land drops away to the North, towards the river Arrow.

It is not felt that the proposals would adversely impact upon those aspects of the setting of nearby listed buildings which contribute to their significance.

The impact upon the character and appearance of the conservation area should also be considered. The building would be situated towards the rear of a linear burgage plot. The linear nature of the building would emphasise this pattern of development. There is an argument for a more literal, traditional style, perhaps using timber framing, however it is felt that this would detract from the primacy of the remaining historic buildings on the street frontage and potentially

mislead as to the original function of this element of the village. A more neutral building, drawing upon the characteristics of traditional buildings in the area, would draw attention to the key buildings of interest, acting as a backdrop for them whilst creating its own layer of history in the village. There is a statutorily desirably objective for LPA's within the P(LB&CA) Act 1990 for development proposals to preserve or enhance the character and appearance of a Conservation Area. Whilst there might be elements of the design which could be finessed and improved, it is felt that the current proposals would meet the requirement to preserve or enhance.

Second Consultation Response (January 2019)

As per our previous comments, we would support the design and location of the development and confirm that the Heritage Statement is acceptable.

We note the concern about loss of clarity of burgage plots within the village, however do not feel that these proposals would detract from the interpretation of the historic layout.

We would recommend approval subject to conditions relating to external walling and roofing materials, roof details, external joinery details, rainwater goods and colour scheme.

4.5 Transportation Manager – No objection

Proposal is acceptable following review of additional information - Plan 2685 P (0) 006 REV B

'The initial submitted drawing number 2685 P(0) 002 shows trees each side of the proposed access, these appear to be sited near to the assumed visibility splay so the applicant should show the visibility splays as unobstructed on the drawing.'

This has now been further considered with additional information on Plan Rev B and it is considered the location of the trees is such that foliage can be sufficiently managed to remove this concern.

'It was unclear from the proposal how residents will safely use the driveway and parking areas. It would be beneficial to demonstrate how vehicles will use this access and parking area'

Drawing number 2685/P(0) 006 Rev B has now been provided showing that tracking for both parking spaces are achievable, which removes this concern.

With reference to any additional movements on the access road and local infrastructure a single additional property will likely not result in a 'severe' impact.

4.6 Conservation Manager (Archaeology) – No Objections (Conditions Recommended)

Given the comparatively small scale of the proposal and our level of knowledge of this area, I don't think a field evaluation would be necessary in this case.

Having said that, I am of the view that an archaeological site investigation condition (E01/ C47) would be fully justified in the event of the proposal being permitted. There is some below – ground interest.

The issues of the suitability of the location as regards the burgage plots, and potential impact on the setting of the listed house, are aired at length in the various representations already received. On this occasion, I do not feel I could add anything of substance to the debate.

4.7 Conservation Manager (Ecology) – No Objections (Conditions Recommended)

The supplied ecology report and biodiversity enhancement plan by Udall-Martin Associates Ltd are noted and appear relevant and appropriate. The recommendations should be secured through a relevant Condition.

4.8 Conservation Manager (Arboriculture) – No Objections (Conditions Recommended)

I have no objections to the proposed erection of a single dwelling.

There is however a condition recommended to adhere to the information provided within the tree report

4.9 Environmental Health (Contaminated Land) – No Objections (Conditions Recommended)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Land Behind Swan House, West Street, Pembridge. Letter report prepared by Environmental Management Solutions and dated 3rd September 2018.

The EMS report makes no recommendations for additional works when considering risks from contamination which are considered negligible to low on the basis that radon protection is included in the dwelling. The applicant may wish to ensure this barrier is protective for ground gases such as methane and carbon dioxide alongside radon as a matter of course during development. It is accepted the findings of the report do not require or recommend such and the note is recommended for the consideration of the applicant only.

On this basis I've no comments to make other than the note below:

"The submitted report advises risks from radon will be mitigated upon the inclusion of protective measures. The applicant may wish to consider the installation of a barrier which protects from ground gases such as carbon dioxide and methane alongside radon as a matter of course during development. "

5. Representations

5.1 Parish Council – Objection

First Consultation Response (October 2018);

The applicant is aware that this development is proposed to be built on the village burgage plots/plan. However Pembridge NDP clearly protects heritage assets in policy PEM19 para B and the village policies map clearly identifies the burgage plots. It would also like to draw your attention to PEM 6 which set out design criteria & PEM 20 Development in the conservation area. The applicant has respectfully considered ridge heights, but Councillors felt it did not contribute positively and sensitively or reflect the existing character of the village. On these point Pembridge Parish Council Object to this application

Second Consultation Response (January 2019);

Pembridge Parish Council have made prior comment on this application which still stand. It would like to make further comment on this application now additional information has been presented and confirm its OBJECTION to include the following points:

- The Parish Council strongly restates that this application sits on a site protected by PEM19 as shown on the Pembridge policy map (non-designated heritage assets) and stated in PEM19 and the accompanying narrative. Any interpretation that these sites do not have the protection given to them in the past by Herefordshire Council and Leominster Town Council is incorrect and this protection continues in the Pembridge Neighbourhood Development Plan
- Heritage Impact Assessment - reference page 16 "The setting of the neighbouring aforementioned assets and wider setting of the conservation area will be retained and unaffected. The significance of this part of the character area will be increased and enhanced by ensuring that the historic plan for of the medieval burgrave plots is retained and accessing the property from the rear. This is accordance with local emerging policy from the Pembridge Neighbour Development Plan Policy PEM19: Protecting Heritage Assets". is slanted and is a perversion of the intension of the Parish Council document. This is made clear in PEM6 Design Criteria for Residential Development. (d) (e) and (h) d) Avoid appearing to be isolated, incongruous, detached or 'exclusive' through design, lack of connectivity, layout or location; e) For development within it, preserve or enhance the character and appearance of Pembridge Conservation Area in accordance with Policy PEM19; h) Avoid inappropriate development of residential gardens, especially where this crams development unreasonably within existing curtilages;
- Finally the Parish Council wishes to express astonishment and disbelief that the Heritage Impact Assessment has been written by the applicant's architects, RRA Architects, who have an obvious conflict of interest which they have done little to manage. It is the first time in the memory of those on the Parish Council that a Heritage impact assessment has been produced by a party closely connected with an application and not by an independent assessor. The Parish Council questions if this assessment is valid and acceptable to Herefordshire Council, to Historic England and to the Conservation Officer coming from this source.

5.2 **Four Letters of Objection** have been received. They are summarised as follows:

- The scheme would be detrimental to the integrity and historic pattern of the village
- The scheme would harm the listed buildings on West Street
- The scheme would harm the setting of the Grade II* listed Swan House
- Previous planning policies have protected the burgrave plots from development and this should be continued. The plots should have the same level of protection as the castle, bell tower and the numerous listed buildings.
- The proposal will encourage further development within the burgrave plots and destruction of the village's historic layout.
- The proposed dwelling is unattractive and is out of character for the site context and the style of the rest of the village.
- The scheme is in conflict with the policy of the NDP to protect the burgrave plots
- The large scale of the new house means it will not meet local housing needs
- The scheme would harm the character of the new Ruby Development to the north.

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=183281&search=SWAN%20HOUSE

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 comprises the Herefordshire Local Plan – Core Strategy (CS) and the Pembridge Neighbourhood Development Plan (NDP). The latter was formally made' (adopted) on the 29th March 2019 following a successful local referendum. The National Planning Policy Framework (NPPF) is also a significant material consideration in determining the application.

6.3 A range of CS policies are relevant to development of this nature, and these are outlined in full at Section 2.1. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.4 The presumption in favour of sustainable development and how this should be applied to planning decisions is discussed in more detail at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

6.5 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that that the Council is not able to demonstrate a 5 year supply of housing land. The most recent supply statement (published October 2018) outlines that the supply position in Herefordshire stands at 4.55 years. Whilst this represents a marginal improvement from the previous position, the persistent shortfall in the five year supply means that the presumption in favour of sustainable development as set out at Paragraph 11 (d) of the Framework is engaged.

6.6 Notwithstanding this, the absence of a 5 year housing land supply does not render policies related to the supply of a housing an irrelevance for the proposes of decision taking. Indeed, recent case law (Suffolk Coast DC v Hopkins Homes [2016 – EWVA Civ 168]) has reinforced that it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. In this case, given that the shortfall in supply is relatively low and the CS policies relevant to housing supply are in general conformity with the NPPF, it is considered that the relevant policies of the CS continue to attract significant weight.

6.7 Moreover, it is pertinent here that the Pembridge NDP has recently been made and therefore forms part of the development plan alongside the CS. At paragraph 14, the NPPF advises that where the positive presumption applies to applications involving the supply of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply;

- a. *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b. *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c. *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d. *the local planning authority's housing delivery was at least 45% of that required over the last three years.*

In this case the preceding criteria are all satisfied. The neighbourhood plan is less than two years old; the plan contains policies and allocations to meet the parish's housing needs; the county level housing land supply exceeds three years (4.55); and the authority's housing delivery over the last three years exceeds 45% (74%). Notwithstanding the county wide shortfall in five year supply therefore, the policies of the Neighbourhood Plan relevant to housing supply attract full weight.

- 6.8 Strategic policy SS2 of the CS makes an overall provision for the delivery of a minimum of 16,500 new homes in Herefordshire between 2011 and 2031 to meet market and affordable housing needs. Policy RA1 goes on to state that the minimum requirement for 5,300 new homes to be provided in the rural areas will be distributed across seven Housing Market Areas (HMAs). The application site in this instance lies within the Kington HMA, which has an indicative growth target of 12% (equivalent to delivering 317 new homes across the plan period). For the parish of Pembridge, this equates to providing a minimum of 61 new dwellings.
- 6.9 Policy RA2 identifies the rural settlements which are to be the main focus for proportionate housing development in the rural areas. The village of Pembridge is identified as being a main focus for housing at Figure 4.14. The policy states that residential development proposals should be located within or adjacent to the main built up area of the settlement. The policy also sets the expectation that, where appropriate, settlement boundaries or reasonable alternatives for the identified settlements will be defined by either Neighbourhood Development Plans or Rural Areas Sites Allocations DPD.
- 6.10 Policy PEM2 of the NDP sets out the development strategy for the parish and reaffirms that Pembridge will be the focus for new residential development. A settlement boundary is defined and, in the context of housing proposals, policy PEM3 confirms that new development will be restricted to sensitive infilling and allocated sites within the boundary. It also states that infilling will be permitted where it meets appropriate design and other criteria set out in the NDP; particularly PEM6 and PEM20.
- 6.11 The proposal site in this instance is located within the settlement boundary identified by the NDP. In a purely locational sense therefore, the principle of new residential development can be supported by both CS policy RA2 and NDP policy PEM3.
- 6.12 It then falls to consider the detail of the proposal against the relevant policies of the CS, NDP, and other material considerations to establish whether there are any adverse impacts associated with the proposed scheme which would outweigh the benefits. This would be towards establishing if the scheme is representative of sustainable development, for which there is a positive presumption enshrined in the NPPF, CS and NDP. The key matters requiring consideration are set out below

Impact upon Heritage Assets

- 6.13 It is acknowledged that the application site here lies within an area of potential heritage sensitivity. The site for instance forms part of the curtilage of a dwelling which is listed at Grade II*, and there are numerous other listed buildings to the south of the site which front onto West

Street. The site is also within the designated Pembridge Conservation Area. It is also noted that the site forms part of the village's historic burgrave plot layout, which are to be considered a non-designated heritage asset (discussed further below).

- 6.14 In respect of designated heritage assets, the duties placed upon the Planning Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable. Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building the local planning authority 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. Similarly, section 72 of the Act requires that when considering applications in designated conservation areas the local planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.15 In this respect, the advice set out at paragraph 193 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 194 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 195, it states that where substantial harm is identified 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. Paragraph 196 goes on to state 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. Paragraph 197 states that in weighing applications that affect non-designated heritage assets, a balanced judgement should be required having regard to the scale of any harm and the significance of the asset.
- 6.16 Policy SS6 of the Core Strategy states that development proposals should be shaped through an integrated approach which incorporates a range of environmental components from the outset, including the historic environment and heritage assets. Moreover, Policy LD4 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 design. Policy SD1 requires that development proposals take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area. Policy LD1 is also relevant in so far as it requires that proposal respond positively to the character of the townscape whilst conserving and enhancing important landscapes, such as conservation areas.
- 6.17 At a local level, the rich heritage of the Pembridge Parish is reflected by various policies in the NDP. PEM19 in particular requires that the significance of heritage assets and their settings should be conserved and enhanced (where appropriate) through adherence to a number of principles. This includes by resisting development which adversely affects designated heritage assets such as listed buildings, scheduled monuments and the conservation area. At point b), the policy also states that the conservation of heritage assets should be achieved through *'protecting the burgrave plan form to the north and south of the A44 (West Street, High Street and East Street) through the village'*. Policy PEM20 then goes on to set out a number of criteria and design principles relating to development in the Conservation Area.
- 6.18 In considering the heritage impacts of the development, specialist advice has been sought from Historic England and the Council's Conservation Manager (Historic Buildings). Their full responses are set out at Section 4 of this report. In accordance with Paragraph 189 of the

Framework, the applicant has also supplied a Heritage Statement to consider the potential for impacts upon the historic environment.

- 6.19 Considering first the potential impact upon the setting of listed buildings, the most sensitive receptor in this sense is the host dwelling at Swan House. This is listed at Grade II* and accordingly Historic England are a statutory consultee. Further listed buildings are also found along West Street to the south of the site.
- 6.20 The proposal site in this case is approximately 50m from Swan House and the other listed buildings which form the linear frontage of dwellings onto West Street. The new dwelling would be sited in the northern portion of the existing garden which historically would have been part of the burgage plot associated with the host dwelling. The comments of Historic England highlight that the historic significance of Swan House is derived principally from the evidential and aesthetic value of its exceptionally high quality fourteenth century timber framing. Whilst it does form part of its setting, the burgage plot form and the application site to the north of the building make only a limited contribution to its historic significance. Furthermore, the degree of separation between Swan House and the proposed dwelling here, in combination with the orientation and form of the new build, is such that the linear form of the burgage plot remains clearly readable. The presence of dense vegetation on the intervening ground is also such that there is currently only very limited inter-visibility between Swan House and the development site. Historic England consequently offer the following comments with regards to the potential for impact upon the setting of the listed building;

‘As change within the setting of the Grade II listed building it (the proposal) may be seen as part of an historic continuum of burgage plot sub-division that in this particular case has limited impact on the historical value of the heritage asset and no impact on the fourteenth century timber frame that is key to its significance’.*

The advice received from the Council's Conservation Manager supports the view that the proposal would not have an adverse impact upon the integrity or setting of the listed building. It follows therefore that there would be no conflict with policies LD4 or PEM19 in this sense.

- 6.21 In terms of the setting of the conservation area, it is considered that the proposal would only have a limited impact in this sense. It has been identified that the proposal would preserve the setting of the listed buildings and the form of the burgage plots that make up the protected area, and the site is visually discrete when experienced from sensitive public vantage points such as the historic village frontage on the A44 to the south. Historic England consequently offer the following comments in respect of the scheme and the effect upon the conservation area;

‘...following a site visit and on the basis of our own assessment of how the site contributes to significance, we consider that the principle of development on the rear of the Swan House burgage plot represents a change that is without harm to the conservation area’.

Again, this advice is supported by the comments of the Council's Conservation Manager;

‘There is a statutorily desirably objective for LPA's within the P(LB&CA) Act 1990 for development proposals to preserve or enhance the character and appearance of a Conservation Area. Whilst there might be elements of the design which could be finessed and improved, it is felt that the current proposals would meet the requirement to preserve or enhance [the protected area]’

Whilst some concerns have been raised regarding the design of the new dwelling (discussed further below), the professional heritage advice received directs to the conclusion that the scheme would not have any harmful impact upon the setting of the conservation area. It follows therefore that no conflict with policies LD4, PEM19 or PEM20 would occur in this sense.

- 6.22 As well as designated heritage assets, the NPPF also makes it clear at Paragraph 197 that the effect of a development proposal upon non-designated assets should be considered when determining an application. The village burgage plan in this case is considered to be a non-designated asset; although it is noted that these areas are afforded policy protection by PEM19 of the NDP. At point b), the policy requires that the significance of heritage assets and their settings are conserved and enhanced through *'protecting the burgage plot plan form to the north and south of the A44'*. The areas of the village deemed to be protected are highlighted in the village policies map, and the proposal site in this case is situated within the highlighted area. It is noted that the Parish Council have offered an 'in principle' objection to the scheme owing to the location of the site within the protected area.
- 6.23 However, in a comprehensive reading of policy PEM19 it is not considered that the requirement under point b) can be taken to uniformly prohibit all forms of development within the designated burgage plot areas. Indeed, the supporting text to the policy at 8.3 states that policy PEM19 should *'not restrict development but influence the approach taken, and even stimulate development where re-use and regeneration brings benefits'*. Policy PEM19 therefore affords protection to the burgage plots in the sense that undue harm should be avoided.
- 6.24 In this case, the specialist advice received from Historic England and the Council's Conservation Manager indicates that no harm would occur to the conservation area or the burgage plot plan as result of what is proposed. The proposal would represent a continuation of burgage plot sub-division that is already observable in the immediate locale (for instance, the dwellings of Hillview and Pinecroft which lie to the east and west of the site respectively), and the specific details of the scheme ensures that the linear plan form of the plots remains clearly readable. Given the absence of any identified harm therefore, it follows that the proposal would not conflict with policy PEM19 (b) as the burgage plan is protected by the proposal.
- 6.25 With regards to below ground heritage assets, the Council's Conservation Manager for Archaeology advises that the potential for impact in this sense is limited. The small scale of the scheme and knowledge of the locality from the adjacent Ruby Development is such that a full field evaluation of the site prior to determination would not be justified. A pre-commencement site investigation condition is however recommended to account for any unforeseen features of interest.

Design and Amenity

- 6.26 In terms of design, the requirements of CS policies SD1, LD1 and LD4 are applicable as set out above. Policy PEM6 of the NDP also sets out detailed design criteria for residential development in the parish, which is to be read in conjunction with policy PEM23 Sustainable Design. Amongst other things, policy PEM16 requires that schemes should achieve a high standard of architecture and ensure that the existing village character is respected.
- 6.27 The proposal here has adopted a contemporary approach for the new dwelling. The design takes direction from historic buildings that characterise the surrounding area, with locally distinctive features such as a relatively narrow building span and steeply pitched roof being reflected in the design. The design also corresponds to the burgage plan form through the building's elongated linear form and its alignment within the plot. The palette of materials are also considered appropriate for the site context, and full details can be secured by condition.
- 6.28 The reservations in Historic England's comments regarding the design of the dwelling are duly acknowledged. However, the representation also highlights that the scheme as a whole would be without harm to the character of the surrounding area. On balance therefore, the Officer supports the view of the Conservation Manager that the design of the dwelling is acceptable with regards to the requirements of relevant development plan policy. The design has responded positively to the context of the site and would serve to preserve local character and distinctiveness.

- 6.29 Given the design approach which has been adopted, it is considered appropriate to attach a condition removing permitted development rights to ensure that future alterations, additions and outbuildings can be controlled and the character of the scheme maintained.
- 6.30 Policies SD1 and PEM6 also require that development proposals deliver good standards of residential amenity for existing and proposed residents. This accords with the principles set out at Chapter 12 of the NPPF with regards to achieving well-designed places. In this case, it is considered the scheme maintains and achieves good standards of amenity and thus no policy conflict is identified. The siting, scale, and orientation of fenestration to the new dwelling is such that the proposal would not have any adverse impact upon existing neighbouring properties through means of overlooking, overshadowing or overbearing. The scheme would also deliver a good standard of amenity for occupants of the new dwelling in terms of private and outdoors amenity space.

Highways Matters

- 6.31 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. The NDP also sets out a number of transport related policies at Chapter 9, with policy PEM25 in particular setting out similar highways design requirements to the CS in terms of ensuring safe access and layouts are achieved. This approach accords with the principles outlined in Chapter 9 of the NPPF.
- 6.32 The application is supported by a Transport Statement and the supporting plans outline that the dwelling would be accessed from the north via a new access onto the cul-de-sac road which links to the C1032 to the east of the site. This is a private road which serves the dwellings on Sandiford Ploc and the dwellings that are currently under construction as part of the Ruby Development. In total, the road as existing provides access to 15 units. The nature of the cul-de-sac road is such that traffic speeds will be low and the new access proposed from the site onto it provides adequate levels of visibility. Similarly, visibility from the existing junction from Sandiford Ploc onto the C1032 is adequate. The design and layout of the road is also such that it is not considered the addition of a further single unit would have a significant impact upon the function of access road over the existing usage in terms of capacity. The Transportation Manager consequently offers no objections to the scheme.
- 6.33 The internal site layout provides external parking for two vehicles with an additional space being available within the attached garage. A small turning head would be provided to the north of the house and a vehicle tracking plan has been provided which demonstrates there would be adequate manoeuvring space for cars to turn so that they can enter and leave the site in a forward gear. A condition is recommended to restrict any change of use of the garage to ensure that it remains available for parking and storage uses. Conditions will also be attached relating to the construction specification of the new access, parking and turning areas.
- 6.34 On the basis of the above, Officers are satisfied that the scheme would deliver safe access arrangements and that there would be no detrimental impact upon the local highways network. The proposal is therefore pursuant to CS policy MT1, NDP policy PEM25 and Chapter 9 of the NPPF in these terms.

Green Infrastructure and Ecology

- 6.36 The proposal site in this case is currently domestic garden. It hosts a number of shrubs and trees and, at the time of the Officer's visit, the site was largely overgrown. None of the trees on the site are protected by a Tree Preservation Order, but the site is within the designated conservation area.
- 6.37 A number of CS policies are relevant to matters of green infrastructure and the contribution this makes to the character of an area - notably LD3, LD1 and LD2. At a local level, policy PEM6 of the NDP requires that proposals retain important features such as tree cover and hedgerows that contribute to the character of the village, whilst PEM18 requires at point e) that the unacceptable harm to green infrastructure and biodiversity value in the parish should be avoided.
- 6.38 The application is supported by a tree report to BS5837:2012 standards. The report identifies 20 trees within the proposal site that are found to make varying contributions to local amenity and to be in varying physical conditions. The scheme has been designed around these constraints, with the dwelling sited in a manner that retains the highest quality and mature trees that are found predominantly at the site's boundaries. A small number of trees, which are at centre of the site and found to be of lower quality, would be removed. The report sets out a number of recommendations and working methods which have been carried forward to the proposed plans, and the Council's Arboricultural officer has no objections to the scheme on the basis that these are secured by condition. No conflict with relevant policy is therefore found. The scheme would retain to higher quality trees found on the proposal site and the positive contribution these make to the character of the area would be maintained.
- 6.39 The application is also supported by a Preliminary Ecological Appraisal of the site. The report makes a number of recommendations for mitigation measures and biodiversity enhancements, and the Council's Conservation Manager (Ecology) has no objections to the scheme on the basis that these are secured by condition. No conflict with policies LD2 or PEM18 are found in ecological terms.

Drainage

- 6.40 With regards to foul water management, policy SD4 of the CS sets out a hierarchal approach whereby a connection to the mains wastewater infrastructure is the preferred option. This is in the interests of securing effective foul water management towards ensuring that there would be no detrimental impact upon water quality and wider environmental objectives. At a local level, policy PEM22 of the NDP states that development which overloads the Pembridge wastewater treatment works will not be permitted. In terms of surface water, policy SD3 states that measures for sustainable water management will be required to be an integral part of new developments, including through the use of sustainable drainage systems (SuDS) where appropriate.
- 6.41 The scheme in this case proposes to connect to the mains public sewer network to manage foul water. Welsh Water have been consulted on this arrangement and do not offer any objections. It is recommended that full details of the drainage scheme be secured by condition. Surface water will be managed through the use of soakaways, which is an acceptable solution in accord with policy SD3. Again, full technical details of the scheme will be secured by condition.

Contaminated Land

- 6.42 The Council's records indicate that the proposal site is located approximately 200m from a closed landfill site (Leaders Lane). A risk assessment of the site has been supplied which builds upon the findings of a Phase 1 Geoenvironmental Report undertaken in 2016 in relation to the adjacent Ruby Development. The report finds the risk of ground contamination at the site to be low, and the Council's Environmental Health Officer has no objection to the scheme on the

basis of the report's findings. The proposal would thus safeguard human health and accord with policies PEM23 and SD1 in this sense.

Conclusion

- 6.43 The application is to be considered in the context of the presumption in favour of sustainable development as set out by Paragraph 11 of the National Planning Policy Framework. In applying this presumption, the Core Strategy and Neighbourhood Development Plan both confirm that development proposals that accord with the development plan will be approved.
- 6.44 The application in this case is for housing, and given the current shortfall in the Council's five year housing land supply the presumption as set out at Paragraph 11 d) is also fully engaged. Planning permission should be granted unless;
- i. the application of policies in the Framework that protect areas or assets of particular importance (as set out at Footnote 6) provides a clear reason for refusing the development proposed; or
 - ii. 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.
- 6.45 In this case, none of the restrictive policies set out at footnote 6 are triggered. In particular, the specialist advice received from the Council's Conservation Officer and Historic England leads to the conclusion that the proposal would not lead to any harm to designated heritage assets in the form of nearby listed buildings or the Pembridge Conservation Area.
- 6.46 It therefore falls to apply the weighted balance as set out at Paragraph 11 d) ii. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.47 The site here is located within the settlement boundary that is allocated for Pembridge in the adopted NDP. The site is therefore identified as a location which is sustainable for new housing development as it would be within the confines of an existing settlement that provides good access to a range of services and facilities. In terms of the wider benefits of the scheme, the proposal would contribute a single unit towards the current shortfall in the housing land supply and this would bring minor benefits in the social sphere. Modest benefits would also accrue in the economic sphere through investment during the construction phase and the additional local spending potential associated with future residents. In the environmental sphere, the impacts of the scheme are considered to be neutral.
- 6.48 Having regard to the preceding appraisal, no significant harm or conflict with the adopted development plan has been identified as a result of the proposal. In particular, the scheme would not give rise to any harm to heritage assets such as nearby listed buildings, the Pembridge Conservation Area, or the village's burgage plan form, and the proposal would thus accord with the development plan in these terms. It follows therefore that there are no adverse impacts to place into the balance that would significantly or demonstrably outweigh the benefits of the scheme.
- 6.49 In conclusion, no conflict with the development plan has been identified and it is therefore considered that the scheme would be representative of sustainable development – for which there is a presumption in favour. 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 other further conditions considered necessary by officers named in the Scheme of Delegation to Officers:

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

1. **A01 - Time limit for commencement (full permission)**
2. **C08 - Development in accordance with approved plans**
3. **C13 - Details of external materials and finishes (to include roof details, external joinery/fenestration details and rainwater goods)**
4. **C65 - Removal of Permitted Development Rights**
5. **CAL - Access, turning area and parking specification**
6. **C59 - No conversion of garage to habitable accommodation**
7. **C96 - Landscaping Scheme**
8. **C97 - Landscaping Scheme Implementation**
9. **The ecological protection, mitigation, compensation and working methods scheme and Biodiversity Enhancement Plan, as recommended in the reports by Udall-Martin Associates Ltd dated September 2018 shall be implemented in full and the mitigation measures and biodiversity enhancements hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any area around the approved mitigation or compensation features.**

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

10. **Except where otherwise stipulated by conditions of this permission, the development hereby approved shall be carried out strictly in accordance with the recommendations and working methods set out in the supporting BS5837:2012 Tree Report (Cedarwood Tree Care – July 2018).**

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with policies LD1 & LD3 of the Herefordshire Core Strategy and National Planning Policy Framework.

11. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan Core

12. **C47 - Archaeological site investigation**

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

13. CCK - Details of slab level
14. CAZ - Site Operative Parking

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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.
2. I33 – Wildlife General
3. I35 – Highways Design Guide and Specification
4. I40 – Welsh Water Sewer Connection
5. The submitted EMS report advises risks from radon will be mitigated upon the inclusion of protective measures. The applicant may wish to consider the installation of a barrier which protects from ground gases such as carbon dioxide and methane alongside radon as a matter of course during development.

Decision:

Notes:

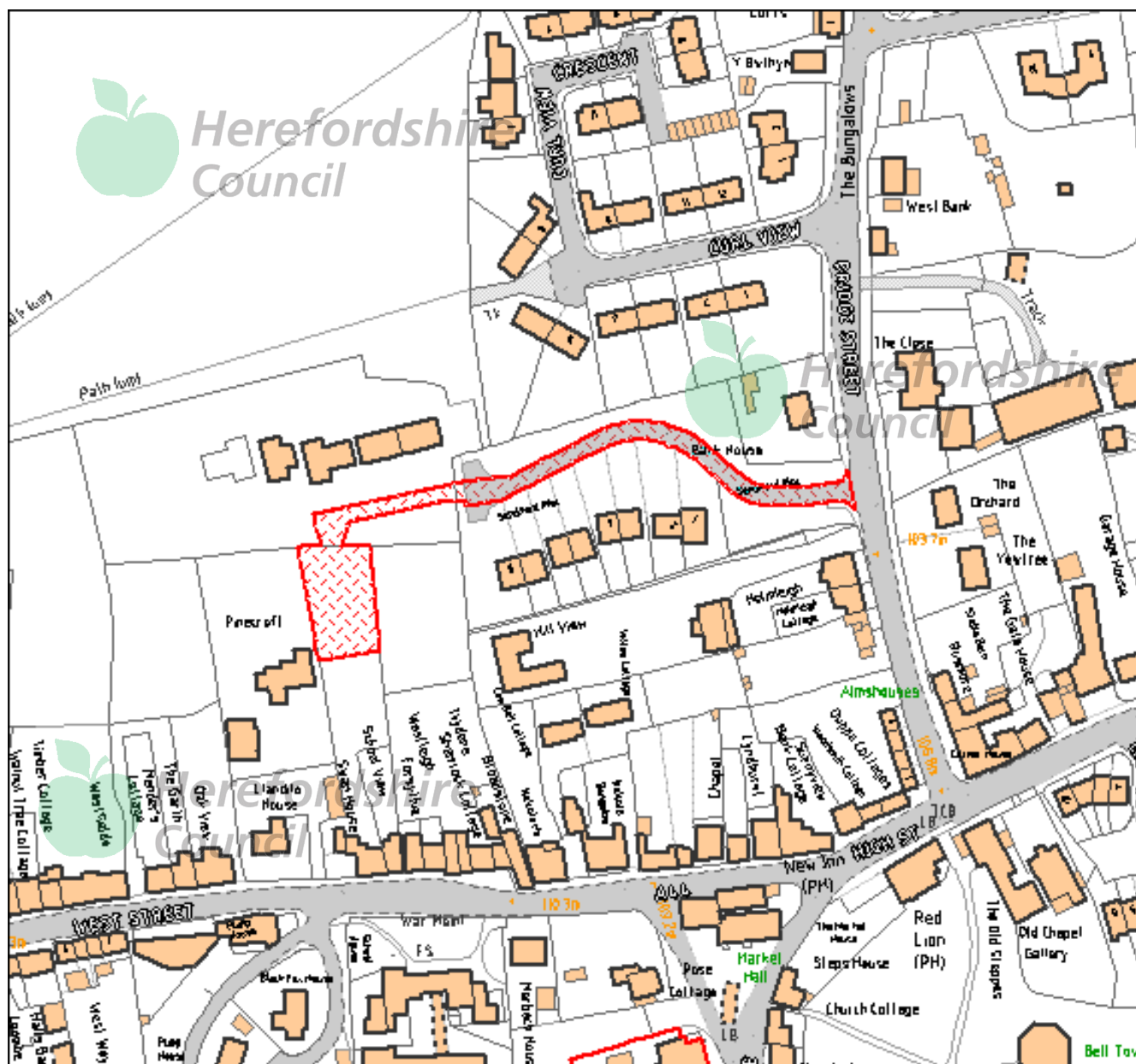
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Background Papers

Internal departmental consultation replies.



Herefordshire
Council



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APPLICATION NO: 183281

SITE ADDRESS : SWAN HOUSE, WEST STREET, PEMBRIDGE

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