

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	5 AUGUST 2020
TITLE OF REPORT:	<p>193665 and 193666 - CHANGE OF USE FROM A PLACE OF WORSHIP TO COMMUNITY SPACE INCLUDING ARTISAN BAKERY, CAFE AND SOCIAL SPACE WITH OCCASIONAL WORSHIP. PROPOSED VARIOUS INTERNAL WORKS INCLUDING MEZZANINE & INSTALLATION OF AN ARTISAN BAKERY AND CHANGE OF USE TO THE VESTRY AND NAVE. TO INCLUDE ALL ASSOCIATED WORKS AND NEW SERVICES CONNECTIONS AT ST MICHAELS CHURCH, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE</p> <p>For: BAcRG Hine per Mr Tom Froggatt, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</p>
WEBSITE LINK:	<p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193665&search-term=193665</p> <p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193666&search-term=193666</p>
Reason Application submitted to Committee – Redirection	

Date Received: 21 October 2019

Ward: Old Gore

Grid Ref: 360103,226410

Expiry Date: 17 February 2020

Local Member: Councillor Barry Durkin

1. Site Description and Proposal

- 1.1 This application relates to a site located to the south west of an established residential area in Brampton Abbots, Ross-On-Wye. St Michael's Church is a Grade II* listed building consisting of 12th, 14th, 15th, 19th and 20th Century elements. The building has been closed to the public since 2008 due to concerns over the structural stability of the roof. In 2018, a Heritage Lottery Fund grant was awarded to fund considerable repairs to the church including upgrading of services, structural works and reroofing. These works were completed in 2019.
- 1.2 This application seeks planning permission and Listed Building Consent for the change of use of the building and internal works to allow for a multifunctioning space. This will include a bakery and café, and continuing use as a place of worship for significant Christian festivals. This will include the creation of a mezzanine floor utilising the fabric of the pews found within the church, the installation of services to allow for a bakery and the provision of parking space to the north of the site.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy Policies:

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- RA6 - Rural economy
- SC1 - Social and community facilities
- MT1 - Traffic management, highways safety and promoting active travel
- E1 - Employment provision
- LD1 - Landscape and townscape
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency

2.2 National Planning Policy Framework (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

2.3 Brampton Abbots and Foy Group Neighbourhood Development Plan (Sent for Examination on 24th January 2020 with Referendum date to be confirmed)

- BAF2 - Good quality design
- BAF4 - Landscape and scenic beauty
- BAF5 - To support the growth of small-scale rural businesses
- BAF7 - Community facilities and open spaces
- BAF8 - The management of traffic safety around the neighbourhood development plan area
- BAF9 - Public sewerage network and wastewater treatment works

The Brampton Abbots and Foy Group Neighbourhood Development Plan has been the subject of Examination and is now awaiting Referendum. Although not yet formally part of the Development Plan it can be afforded significant weight for the purposes of decision- making.

https://www.herefordshire.gov.uk/directory_record/3034/brampton_abbots_and_foy_group_neighbourhood_development_plan

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

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

3. Planning History

3.1 None relevant

4. Consultation Summary

4.1 Statutory Consultations

Welsh Water – Approve with conditions

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

SEWERAGE

Conditions: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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.

PROW – No objection

The proposed changes would not appear to affect public footpath BA4. No objection.

Ramblers – No objection

Public footpath Brampton Abbots 4 runs through the churchyard as shown on the Location plan. The proposal would not appear to affect the use and enjoyment of this footpath, and the Ramblers Association have no objection to this application.

Natural England (HRA) – 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.

Historic England – No objection

Summary

St Michael and All Angels is listed Grade II* and is significant as a good example of a twelfth century church incorporating later fabric telling a story of adaptation and change culminating in a final re-ordering by the nationally acclaimed architect, Caroe. The introduction of a bakery, café and community centre with worship continuing in the chancel involves a complete reordering and reworking of the Caroe pews and should be assessed in terms of the policy contained in section 16 of the NPPF. Historic England welcomes proposals which present a hopeful new future for an otherwise apparently redundant building. In this challenging context the proposals are thoughtful, sensitive and conserve significance to a considerable degree. We consider that the loss of many of the Caroe pews amounts to less than substantial harm that is outweighed by the public benefit of enabling a new apparently viable use for the listed building we therefore have no objection to the application.

Historic England Advice

St Michael and All Angels is listed Grade II* and is significant as a good example of a simple, single aisle twelfth century church. Fabric and architectural detailing provide evidence of changes wrought in the fourteenth, fifteenth and nineteenth centuries and finally in the early years of the twentieth century by the nationally acclaimed architect, Caroe. The church has considerable potential historical value in terms of the links it provides to the histories of local families, patrons and congregations both in its own fabric and that of the churchyard graves and memorials. There is high aesthetic value in the appearance of the building both in terms of the design of its fittings (font, Norman detailing, reredos and Caroe furniture) and as a more fortuitous result of the attractive natural materials from which it is constructed (stone slates, shingles, clay tiles, stone walling, oak etc.) and the way they have mellowed and weathered with age. The simplicity of the building's form, its interior spaces and Norman details have great aesthetic appeal enhanced by the contrast created by the detailed richness of the chancel screen and the stained glass. The communal value of the church is also high as a symbol of spirituality and centre of community in the village

The introduction of a bakery, café and community centre to the church with worship continuing in the chancel involves a complete reordering and reworking of the Caroe pews. The level of alteration will impact on the significance of the building and should therefore be assessed in terms of the policy set out in section 16 of the NPPF. Paragraphs of particular relevance are: 192 concerning the desirability of sustaining and enhancing the significance of heritage assets, the

positive contribution they can make to sustainable communities and the desirability of new development making a positive contribution to local distinctiveness; 193 concerning the great weight that should be given to their conservation; 194 and 196 concerning the clear and convincing justification including public benefit that is required for any harm to significance.

Following the closure of St Michael and All Angels, Historic England welcomes this application which proposes a new and apparently viable use for the building that also reinstates its function as a place of worship and centre for the community of Brampton Abbots. The appearance of the interior will change very considerably in terms of the early twentieth century furniture in the nave and the nineteenth century vestry. However, we are mindful that the aesthetic value of the vestry interior is low, that the Caroe chancel is retained, that the proposed new structures have little physical impact on more ancient fabric (which itself is unaltered) and no impact on the exterior of the building. We are persuaded that the simple but high quality aesthetics of the interior will be retained to a meaningful degree by the adaptation of Caroe pews for seating and within the structure and design of the tea station together with the retention of the existing church floor and discretely contemporary treatment of the vestry bakery. The significance of the building will therefore be conserved to a considerable degree by a thoughtful and sensitive scheme that presents a hopeful new future for an otherwise apparently redundant building. In our view, this amounts to a public benefit that outweighs the less than substantial harm caused by the loss of many of the Caroe pews and the changed appearance of the church interior.

Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 189, 192, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 16(2) 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.

Victorian Society – Non-committal

This is undoubtedly an ambitious project, one that would have a major impact on the character and appearance of this II*-listed building. Nonetheless, the Society is content with and raises no objection to the principle of what is proposed. We acknowledge the circumstances and recent history of the building, and the work that has gone into developing this scheme, and consider with suitably sympathetic detailing, and some relatively minor revisions, that this is a scheme that could secure, in an appropriate fashion, the future of this fine church.

Our first recommendation is that a greater number of the historic benches (in their proposed adapted form) are preserved and made use of in the reordered space. The benches were introduced by Caroe, are characteristic of his distinguished work, and are an integral component of his typically high quality, delicate and understatedly rich refurnishing of the church interior carried out in 1907. The proposed plan indicates that only four shortened benches would remain in the church. A larger number must be retained and incorporated.

The Committee was also unconvinced and concerned by the proposed adaptation, and slight repositioning of some, of the choir stalls. These are intrinsically finer than the congregational benches, and we would be opposed to them being made moveable. The relocation of the stalls on the north side is seemingly proposed in order to create a second opening (in addition to that created by the slight relocation of the pulpit) into the vestry/bakery. We are unconvinced of the need for two openings into the vestry, however, and therefore suggest that the works to the chancel stalls are omitted entirely. Not only would this preserve this most significant area and its handsome furnishings intact, it would simplify the detailing of the glazed screen that would sit behind the iron screen separating chancel from vestry (which should be retained in situ), and preclude the need for costly joinery work in this area of the building. If a second access is demonstrably required it should be possible to use the existing gated opening in the iron screen,

narrow though it is, by which to pass between chancel and vestry, and to detail the glazed screen accordingly.

4.2 Internal Council Consultations

Waste Management – No objection

The proposed collection point sited adjacent to highway is an acceptable alternative to a refuse collection vehicle entering the site so a swept path analysis is not required.

Whether this would be used as a storage area would be decided by the occupier of the building, however there is ample outside space for the bins to be stored before being moved to the collection point if decided.

No objections to the proposals.

Ecology – Approve with conditions

The site lies in the River Wye SAC and so a Habitat Regulations Assessment process is triggered by this application. The required 'appropriate assessment' completed by the LPA must be subject to formal consultation with Natural England PRIOR to any grant of planning consent. Subject to this consultation a condition to secure the required mitigation is requested on any consent granted.

The supplied ecology report (bats) by Swift Ecology is noted and appears relevant and appropriate. It is noted that the report concludes that there should be no impact on the bat roosting present in the church structure from the proposed development. The recommended mitigation and risk avoidance measures should be secured through a relevant condition as should opportunities for Biodiversity Net gain enhancements.

Transportation – Approve with conditions

No objection to the proposals.

Historic Buildings Officer – Object

Recommendation:

Whilst there are no heritage reservations regarding the change of use, or the majority of proposed interventions, it is considered the treatment of the W.D. Caroe fixtures in the nave and chancel would cause harm to the significance of St. Michael's Church, and to the artefacts themselves.

The overall degree of harm identified would be less than substantial, but this should be afforded greater weight in the planning balance due to the Grade II* designation. Without sufficient amendment there is a heritage objection to the proposed scheme.

The following comments should be taken into consideration as part of the decision process.

Legislation & Policy:

A statutory obligation for decision makers is set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and it is ultimately designed to ensure development proposals preserve listed buildings, their setting, and any features of special architectural or historic interest they might possess.

In order to support decision making and interpretation of that statutory requirement, Chapter 16 of the National Planning Policy Framework provides a number of policies pertaining to the historic environment.

Paragraph 193 states that great weight should be given to the conservation of an asset, and that the more important the asset the greater that weight should be; St. Michael's Church is Grade II*, a designation which recognises its higher level of national importance.

It also determines three categories of harm – substantial harm, total loss, and less than substantial harm – but suggests that great or greater weight should be applied regardless of the harm level identified.

Paragraph 194 states 'any harm to, or loss of, the significance of a designated heritage asset...should require clear and convincing justification.'

Whilst Paragraph 196 states that less than substantial harm should be 'weighed against the public benefits of the proposal' (greater weight as per Para.193 in this instance).

As it has not been demonstrated that the overall viability of the scheme is solely reliant on the degree of loss proposed, and less invasive or harmful solutions exist, it is considered reasonable to suggest that the public benefit would not outweigh that loss as a high degree of public benefit is still achievable, and there is additional public benefit to be accounted for in preserving any features which contribute to the significance of the church.

Heritage Background:

The Church of St. Michael's is a Grade II* listed church of 12th century origin, with documented 14th, 16th, 18th, 19th, and early 20th century alterations; it was formerly the parish church of Brampton Abbots, a small settlement situated in south-east Herefordshire.

Heritage Comments:

Nave Pews & Chancel Choir stalls:

In order for a new use to be considered a suitably compatible use in conservation/preservation terms it should demonstrate that it will have no adverse impact, or minimal adverse impact, on the character and significance of the asset concerned; in this case it is minimal adverse impact which is sought.

It was advised at pre-application stage that retention of pews in order to define spaces should be considered, and that a thorough understanding of their history and significance would need to be demonstrated if potential interventions were to be justified.

Whilst the indicative pre-application scheme and proposed submitted scheme are broadly similar in terms of floor plan form, no heritage comment was requested, or provided, on the research findings, their interpretation, or subsequent revisions to the scheme, prior to its submission.

The heritage impact assessment rightly employs a recommended template for the assessment of significance which advocates descriptions based on historical, evidential, aesthetic, and communal themes.

However, it neglected to identify or assess what historical, evidential and communal significance the Caroe fixtures have, and suggests, by solely focussing on aesthetic merits, that their only contribution to significance is a purely visual one; although it does maintain that the Caroe furnishings/pews are of high significance, and, a major consideration within the scheme (2.2.2 & 3.2.4).

The 1908 re-ordering works – which included installation of the Caroe designed pews - do have historic, evidential and communal significance by virtue of their being a historic phase of the church's development undertaken by a known architect, with alterations to, and additions of, fabric and fixtures which evidence that phase and the architect's design intentions, and which have remained in-situ and relatively undisturbed for more than a century, ensuring their on-going

contribution to collective memory - as the married couple who visited the church would likely attest (2.4.2).

Reference to how the pews/choir stalls define the space within the church is an overly subjective one, restricted to their presence being a barrier to future use of those spaces, rather than an objective assessment of what contribution their spatial arrangement, and any spiritual intention, makes to the significance of the building as a place of worship, and longer-term, how the historic spaces can be understood by future generations; this would help inform the degree of change which may be achievable and constitute minimal adverse impact.

Any liturgical importance is particularly relevant as it is intended that the building will continue to be used, albeit in a limited capacity, for some form of worship.

The ability to interpret a space is an important conservation consideration, and utilising historic fabric in its original context will normally be a fundamental part of successful interpretation.

However, in this instance, the degree of physical harm and loss of context which would result from the proposed cutting up, re-purposing and re-location of pews, pew material and choir stalls would be seriously damaging, and not in the interests of best conservation practice.

It is considered that the limited assessment submitted undervalues the contribution the Caroe scheme makes to the overall significance of the church, and that, given the non-reversible nature of the proposals, a compelling case (clear and convincing) has not been made for the degree of loss and harm which would result.

5. Representations

5.1 Parish Council – Object

At the meeting of Brampton Abbots and Foy Parish Council held on Tuesday 26th November, it was resolved to object to this application. The Council's reasons for objection are;

- 1) Lack of available parking - car park is owned by the PCC*
- 2) Potential disturbance to local residents - early operating hours, additional light, noise and vehicular.*
- 3) Type of proposed usage for an historic church - artisan bakery*

5.2 21 letters of objection have been received the points raised are summarised as follows:

- Concern regarding proposed use as a bakery requires early starts to the day, stating 4 am in the application form
- Bakery is proposed to be in operation 7 days a week suggesting increased number of deliveries to the site
- PCC's control of parking land, if permission is not attained parking will be on the street, additionally there is no overspill parking arrangement
- The PCC requires two spaces in the car park for church yard maintenance
- Single road access in and out of the residential area
- Recycling and waste storage and collection to be stored in the car park suggests black bin bags stored outside the building and large vehicles to remove them
- Confusion relating to the proposed hours of opening within the application form for varying use classes
- No evidence that odour levels will be acceptable
- Visual impact of an extraction unit on the church building
- Lighting has not been shown to be suitable and of low impact to the neighbourhood
- Light industrial use should not be permitted within a residential area
- Limited toilet facilities showing only disabled WC

- Transport statement indicates a 7.5 foot box van for deliveries, not taking into account if deliveries would be made by 10 foot or larger vehicles
- Vehicles accessing the site may use private drives for passing points
- Historic asset is iconic in Brampton Abbots and should not become an industrial unit

1 letter of support has been received

- Excellent idea to broaden the use of the church.
- The only local model we have seen since moving to the parish and county is All Saints in Hereford, which is much livelier than any church we have seen

5.2 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=193665&search-term=193665

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193666&search-term=193666

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. It is also noted that the site falls within the Brampton Abbott and Foy Neighbourhood Area, which sent the plan for Examination on 24th January 2020 with a Referendum date to be confirmed. Given the status of the NDP, it can be afforded significant weight as a planning consideration.

Principle of Development

- 6.3 Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also 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 CS Policy SC1 ensures development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. This, by nature, should be in or close to settlements and where possible should be safely accessible by foot, cycle or public transport. In this instance, the church represents an existing community facility for worship located within an established residential area with a nearby village hall. However, though physically capable for community use, the church has been closed since 2008 and unused since that time. The scheme introduces a practical and multifunctioning use of the space to include further facilities as a bakery, cafe and social space with the space available for continued worship to serve the local community. This is in adherence with the policy in that the existing facility as a place of worship will be retained, whilst presenting additional community services ensuring the continued viable use of the heritage asset and making use of existing structures.

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

6.5 This is reinforced in the Brampton Abbots and Foy Group Neighbourhood Development Plan which is now awaiting Referendum and as such, can be afforded significant weight. Policy BAF7 seeks to protect and enhance existing community facilities and directly states the future plans for the church:

“Development assessed to be in line with other policies in this Neighbourhood Development Plan that would enhance or improve these facilities, or in the case of St Michael & All Angel Church would bring the Church back to a place of worship with a certain level of commercial activity to fund it which would complement the Village Hall, will be supported subject to compliance with BAF2, BAF3 and BAF4.”

6.6 The scheme is considered to satisfy the policy ensuring the building remains a place of worship with commercial activity to raise funds, improving upon the existing facility in order to provide services and functional space for the community. The scheme does not conflict with Policies BAF2, BAF3 and BAF4 given the external character, and therefore landscape, is not impacted and the heritage asset is conserved with a viable function going forward. The communal value of the church as a symbol of spirituality and centre of a community is pre-existing, lending the site to be a sustainable choice for the proposed function.

6.7 Policy RA6 of the Core Strategy supports proposals which help diversify rural economy including proposals which promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced. In this instance, the diversification of use of the heritage asset ensures a positive impact upon the rural economy and surrounding community. As a currently disused place of worship, the scheme secures a sustainable use of the historic building.

6.8 This is furthered by CS Policy E1 which supports the enhancement of employment provision and the diversification of the Herefordshire economy. The proposal is in adherence with policy given its appropriate scale and design, making better use of an existing building of local and heritage importance providing opportunity for employment. Moreover, Policy BAF5 of the NDP ensures proposals for small scale rural businesses are supported where they do not have a significant adverse impact on the landscape character or residential amenity. This is specifically supportive of proposals which utilise *“conversion or reuse of an existing building where the building is suitable for such a conversion without rebuilding or disproportionate extensions.”* In this instance, the building has been previously repaired to a sufficient standard to facilitate again the public use of the space whilst offering an opportunity for a local business to utilise the facility.

Design and Amenity

6.9 Policy SD1 of the CS relates to the design of development. The 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. Policy BAF2 of the NDP reiterates the requirement for development to contribute to the sense of place whilst utilising existing infrastructure and not have significant adverse impact upon residential amenity. This is echoed through Policy LD1 which ensures development proposals demonstrate the character of the landscape and townscape have positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas.

6.10 Given the sole proposed change to the external appearance of the structure would be the installation of a small extraction fan, there are no concerns regarding the design of the proposal. The established street scene would remain unchanged ensuring no landscape disturbance is caused by the change of use in accordance with Policies LD1 of the Core Strategy and BAF4 of the NDP which protects the scenic beauty of the landscape.

- 6.11 With regards to residential amenity, it is generally accepted that any proposal would increase the current levels of use and therefore movement to and from the site as the church is currently unused. However, given the proposed use of the building as a café and bakery with community space for local gatherings, it is considered that this increase in movement would not create a detrimental impact upon residential amenity due to the generally sociable hours of business. Though the bakery element of the scheme includes an earlier start and goods deliveries, the modest scale of the business would not give rise to a level of noise which would warrant refusal.
- 6.12 Furthermore, the proposed B1 Business use is by nature appropriate for this location stating “*light industry appropriate in a residential area*”. Therefore, any noise nuisance caused by movement on, or to and from the site must be of an acceptable level within a residential area as secured by the proposed use class. In addition to this, no technical objections are raised by the Environmental Health Officer with regards to noise and nuisance. Due to the site’s location within the established residential area, planning conditions are included to restrict the hours of opening and deliveries, whilst hours of operation during development would also be restricted.

Heritage

- 6.13 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for works which affect a listed building or its setting 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.
- 6.14 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.
- 6.15 Policy SS6 of the CS states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets.
- 6.16 With specific regard to heritage matters, Policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and their settings through appropriate management, uses and sympathetic design. The Policy states “*development proposals affecting heritage assets and the wider historic environment should use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes.*” The scheme utilises an existing unused heritage asset, retaining the structure and, therefore, character of the building for a sustainable use ensuring the viability of the Listed Building in the future in accordance with point three of this Policy.
- 6.17 It is noted that the Building Conservation Officer raises objection to the scheme on the basis that the removal and re-use of the Caroe pews would constitute a less than substantial harm to the significance of the heritage asset. Furthermore he advises that due to the church’s listing status as Grade II*, this has been attributed more weight in accordance with the increased historic significance. Whilst there is harm identified, it is considered that the proposal retains an acceptable proportion of the internal historic furniture ensuring the ecclesiastical character of the

asset is evident. A number of the choir stalls are to be converted into freestanding seated areas whilst the pews are to be repurposed to create cupboards and stairs to the mezzanine floor. The re-use of the pews ensures the evidence of previous human activity is not removed from the building, but is indicated in a new way. Additionally, the evidence of Caroe's work within the church will not be completely lost from the building given the chancel is retained. The traditional orientation of the pews pose a restrictive feature limiting the use options of the listed building going forward. Although harm is identified through the partial de-construction of the pews, utilising their fabric within the construction of the building ensures their historic significance remains within the church itself without physically impacting the more ancient fabric of the structure.

- 6.18 Counter to the Building Conservation Officer's recommendation, Historic England have attributed significantly less weight to the less than substantial harm also identified whilst confirming the proposals are sensitive and conserve the significance to a considerable degree under the challenging context. In the application of the paragraph 196 test, it is considered that this harm is greatly outweighed by the public benefits of the scheme. The less than substantial harm identified is mitigated by the detailed documentation of the existing church creating an evidential source of human activity and the partial retention of the significance of the Caroe pews maintaining a relationship with the church, albeit in a re-constructed form.
- 6.19 Furthermore, Policy LD4 states "*development proposals affecting heritage assets and the wider historic environment should record and enhance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publically accessible and, where appropriate, improve the understanding of and public access to the heritage asset.*" As indicated in the submitted Heritage, Design and Access Statement, the applicants have commissioned the creation of a 3D scan of the interior of the church as a record which can be presented as evidence to future generations through virtual reality. This allows a creative and interactive record of the existing structure, documenting the pews before the partial loss and re-construction of their fabric, and, as such, is considered to be in adherence with the CS policy, undertaking measures to secure substantial evidence of the internal church appearance to date.
- 6.20 A planning balance is applied in that the public benefit to be derived from the scheme is compared with the less than substantial loss of heritage significance. This is furthered by Historic England's comments stating: "*We considered that the loss of many of the Caroe pews amounts to less than substantial harm that is outweighed by the public benefit of enabling a new apparently viable use for the listed building we therefore have no objection to the application.*" As such, no conflict is found with CS policy LD4 and the proposal accords with Section 16 of the 1990 Act.

Movement and Transportation

- 6.21 With regards to movement around the site, Policy SS4 of the CS is applicable as it seeks to ensure new developments are designed and located to minimise the impacts on the transport network. Where practical, development proposals should be accessible by and facilitate a choice of modes of travel. This is reinforced by Policy BAF8 of the NDP which seeks to minimise the impact of traffic and create a safer environment for all road users.
- 6.22 This is furthered by CS Policy MT1 which requires development proposals to demonstrate that the strategic and local highway networks 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 or mitigate any adverse impact from the development. Developments should also be designed and laid to achieve safe entrance and exit, and have appropriate operational and manoeuvring space.
- 6.23 As an existing community facility, it is considered to be sustainable to make use of an otherwise unused asset within an established residential area. Given the nature of the proposal, the bakery and café is proposed to serve the local residents as a space to be utilised by the community. As

such, it is expected that many sustainable modes of transport including walking and cycling will be utilised to access the site, with a condition included to provide secure cycle parking. When community events or religious services are being held, parking provision for 14 vehicles is proposed to the north of the site with an associated turning area. The Area Engineer has offered no objection to the proposed scheme with conditions included to secure the safe access and entrance to the site.

- 6.24 It is noted through public consultation that queries have been raised regarding ownership of the parking area. Although it is my understanding that an agreement has been made with the Parochial Church Council, this is a civil matter to be resolved and is not a material planning consideration.
- 6.25 In addition to this, the proposed waste management plan is considered to be acceptable with sufficient access being achievable to the storage areas. This is confirmed by the lack of objection from the Waste Management Officer.

Ecology and Drainage

- 6.26 Policies LD2 and LD3 of the CS 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.
- 6.27 The application has been supported by an Ecological bat report which makes several recommendations. The Council's Ecologist has had sight of the assessment and does not object to its conclusions. The report will be conditioned to be carried out on any approval as well as a condition requesting a scheme for proposed biodiversity net gain enhancement features including provision for bat roosting, bird nesting, hedgehog homes and pollinating insect nesting. With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policy LD2.
- 6.28 CS Policy SD3 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 to 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 waste water 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). This is furthered by the NDP policy BAF9 which aims to protect the capacity of the public sewerage network.
- 6.29 The application form accompanying the submission states that foul water will be disposed of via connection to the mains sewer network and all surface water to be managed through on site soakaway infiltration. With these methods aligning with the aims of policies SD3 and SD4, and Welsh Water consultation response, and given the size of the land within the site, they are considered acceptable as confirmed by the Ecologist. These methods of water management are secured by condition.
- 6.30 The location of the site triggers a Habitat Regulations Assessment process. The HRA screening assessment identified No Likely Significant Effects. This was undertaken and forwarded to Natural England who have not raised an objection subject to the conditions suggested below being imposed. There are no other concerns or objections relating to biodiversity and as such the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural

Habitats, &c) Regulations 1994 (as amended) and Policy LD2 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006 are met.

Other Matters

- 6.31 With regards to the objections received, a number of these have been dealt with through the consultation process with internal and statutory consultees, including a waste management plan, visual impact of the extractor unit and residential amenity concerns. Whilst the Area Engineer offers no objection from a highway safety perspective, as previously stated the agreement of use between the PCC and applicant is a civil matter which is not a material planning consideration. The proposal does not look to turn the historic asset into an industrial unit, but maintains the external appearance of the structure whilst sympathetically re-ordering the internal space to maintain the historic character whilst providing a functional space for the community. The proposed lighting is considered to be appropriate for the intended use, utilising existing external lights and installing new lighting to footpaths, this is confirmed by the lack of objection from the Council's Ecologist. The amenity issues have been addressed as previously discussed due to the nature of B1 use as a light industry appropriate to be situated within a residential area and the inclusion of planning conditions to secure hours of business and delivery.

Conclusion

- 6.32 The principle of development is shown to be acceptable and in accordance with policies SC1, RA6 and E1 of the Core Strategy which support proposals that make use of existing facilities to provide community space and service for local residents whilst actively encouraging the rural economy through the provision of employment. This is reinforced by the NDP policy BAF7 which aims to bring back the church as a place of worship with commercial opportunities to fund it which would complement the use of the village hall.
- 6.33 The impact upon residential amenity is not considered to be detrimental and is protected by the use of planning conditions and appropriate use class. No technical objections are raised by the Council's Ecologist, Waste Management Officer or Area Engineer, with conditions included to ensure these matters are safe and functional.
- 6.34 The less than substantial loss of an element of the listed building is considered to be outweighed in the planning balance by the significant public benefit to be derived from a community facility to provide services and function space in an existing and sustainable structure, which will allow enjoyment of the currently disused heritage asset for future generations in accordance with policy LD4 of the Core Strategy.
- 6.35 Therefore, in accordance with policy SS1 of the Core Strategy, the proposal does not conflict with the policies of the Local Plan nor the emerging Neighbourhood Development Plan and poses no material considerations to indicate the refusal of the scheme. As such it is recommended for approval subject to the below conditions.

RECOMMENDATION

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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:

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans and materials**
- 3. Nature Conservation – Ecology Protection, Mitigation**

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Swift Ecology dated September 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the church.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

4. Nature Conservation – Biodiversity and Habitat Enhancement

Prior to first use of works approved under this decision, a detailed scheme and plan for proposed biodiversity net gain enhancement features including provision for bat roosting and hibernation, bird nesting, hedgehog homes and pollinating insect ‘nesting’ should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

5. Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

6. CAB - Visibility Splays

7. CAD - Access Gates

8. CAI - Parking – shared drives

9. CAT - Construction Management Plan

10. CB2 - Secure covered cycle parking provision

11. CB3 - Travel plan

12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

13. CBK - Restriction of hours during construction

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

14. C54 - Restriction on hours of opening

The A3 – Restaurant and café use hereby permitted shall not be open to customers outside the hours of 9:00 and 18:00 Sunday – Thursday and the hours of 9:00 and 22:00 Friday – Saturday, and the bakery use hereby permitted shall not be open outside the hours of 4:00 and 17:00 on Monday to Saturday.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. C56 - Restriction on hours of use (industrial)

No deliveries shall be taken at or despatched from the site outside the following times [6:00 and 16:00] nor at any time on Sundays, Bank or Public Holidays

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. C57 - Restriction on Use

The light industrial element of the premises hereby approved shall be restricted to use as a bakery and for no other purpose in Class B1(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. IP2 - Application Approved Following Revisions**
- 2. I11 - Mud on highway**
- 3. I09 - Private apparatus within the highway**
- 4. I05 - No drainage to discharge to highway**
- 5. I47 - Drainage other than via highway system**
- 6. I41 - Travel plans**
- 7. I35 - Highways Design Guide and Specification**

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That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. CE7 - Time Period

2. C07 - Development in accordance with approved plans and materials

2407.02P(0)303 Rev C, 2407.02P(1)300 Rev G, 2407.02P(0)301 Rev F, 2407.02P(0)305 Rev E, 2407.02(0)401, 2407.02(0)402 & Design & Access Statement and Heritage Impact Assessment.

3. CE8 Expert Supervision

Before work begins the details of appointment of an appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition shall submitted to and agreed in writing with the Local Planning Authority. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the local planning authority.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. CF1 Protection: Specific

Before work begins in relation to any of the specified features, details of measures to protect the following interior features from damage shall be submitted to and approved in writing with the Local Planning Authority. The work shall be carried out in accordance with the approved details and shall remain in place for the duration of the construction/alteration work hereby permitted. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority:

- West Tower Structural Timberwork**
- Communion Rail**
- Chancel Screen**
- Panelling**
- Doors**
- Memorials**
- Historic Window Glass**

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. CF4 Features

Before work begins in relation to any of the specified features, a schedule showing their retention/re-use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- **West Tower Structural Timberwork**
- **Communion Rail**
- **Chancel Screen**
- **Panelling**
- **Doors**
- **Memorials**
- **Historic Window Glass**

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

6. CF5 Misc Details

Before work begins in relation to the specified features drawings to a scale of 1:20 and 1:5 fully detailing the following new, replacement or altered features shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- **Vestry Wall & Floor Lining (to include means of ventilation)**
- **New staircase and Mezzanine structure (to include methods of attachment to historic fabric)**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

7. CG1 Recording – Standing Structures

No development approved by this permission shall commence until a Level 3 drawn and photographic survey of church fabric to be altered or removed has been submitted to and approved in writing by the Local Planning Authority – Level 3 Survey requirements as defined in Historic England’s guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice'.

A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 3 months of approval.

Reason: This information is required before development commences to record the historic fabric of the building prior to development in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. CG2 Matching existing work and samples – General

All new external and internal works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and

finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

9. CG4 Roofing details

Before any works in relation to the features specified below begins, details and drawings (1:20 & 1:5) of construction methods shall be submitted to and approved in writing by the Local Planning Authority:

- Roof ventilation and valley gutter treatment (Vestry Roof);
- Flues, vents or other pipework piercing the building (and decorative finish)
- Leadwork details (in accordance with LDA good practice);

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. CH7 Damp proof course

Before work begins, a detailed justification for, and methodology for inserting, a damp proof course shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

11. CH8 Joinery works

No joinery works shall commence until precise details of all internal joinery and glazing have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.
- Method and type of glazing
- Colour scheme/surface finish

The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

12. CI7 Repairs in situ

Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ and the approved conversion scheme shall be carried out without dismantling timber elements (including the roof) or rebuilding brickwork or masonry.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

13. CJ2 M&E Services

All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant sections of works. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling etc. and interior fittings such as radiators, electrical socket outlets and switch-plates. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. CJ5 Ornamental Mouldings

All new partitions and other elements of construction shall be scribed around historic and architectural features and shall not cut through such features.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. CJ6 Making Good – Submit Details

Full details of ‘making good’ exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16. CJ9 Schedule of works

A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. CK1 Insulation

Details including a specification and scale drawings of new sound and heat insulation is to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. CK2 Fire Proofing

Details including a specification and scale drawings of new fire proofing measures are to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

1. I66- Extent Of Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

