

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 NOVEMBER 2020</b>
<b>TITLE OF REPORT:</b>	<p><b>201757 – APPLICATION FOR VARIATION OF CONDITION 2 OF PLANNING PERMISSION 170440 (PROPOSED AMENDMENTS TO EXTANT CONSENT REF 160398 RE SINGLE STOREY, LOW IMPACT DWELLING HOUSE AND REPAIR OF THE CURTILAGE LISTED GLASS HOUSE AND GARAGE). TO INCORPORATE DESIGN CHANGES, INCLUDING THE ADDITION OF A PLANT ROOM ABUTTING THE BOUNDARY WALL AND WORKS TO THE GLASSHOUSE</b></p> <p><b>201758 – PROPOSED DESIGN ALTERATIONS TO PREVIOUSLY APPROVED APPLICATION 170440, INCLUDING THE ADDITION OF A PLANT ROOM ABUTTING THE BOUNDARY WALL AND WORKS TO THE GLASSHOUSE</b></p> <p><b>AT LAND ADJACENT TO COACH HOUSE, LUMBER LANE, LUGWARDINE, HEREFORDSHIRE</b></p> <p><b>For: Mr &amp; Mrs Roach per Lee Greening, 2<sup>nd</sup> Floor Offices, 46 Bridge Street, Hereford, HR4 9DG</b></p>
<b>WEBSITE LINKS:</b>	<p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201757&amp;search=201757">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201757&amp;search=201757</a></p> <p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201758&amp;search=201758">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201758&amp;search=201758</a></p>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 5 June 2020**

**Ward: Hagley**

**Grid Ref: 355159,241078**

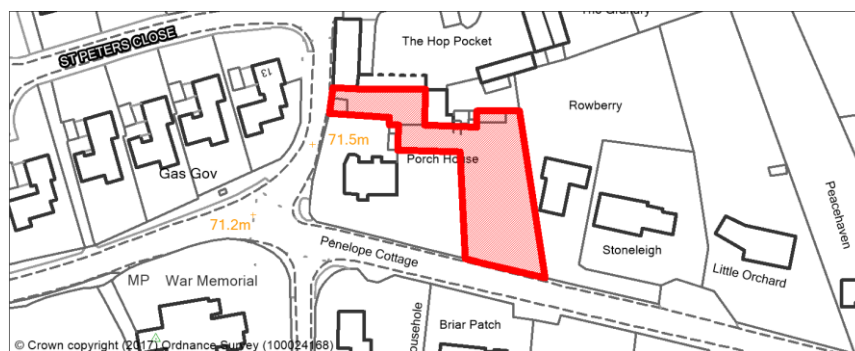
**Expiry Date: 31 July 2020**

Local Member: Councillor Paul Andrews

## **1. Site Description and Proposal**

- 1.1 The applications relate to land adjacent to the Coach House which is accessed off Lumber Lane, Lugwardine which is an established settlement to the north east of Hereford. The site is close to the historic centre of the village and is within the existing residential built form of the village, at the cross roads of the Hereford to Ledbury road (A438), Rhystone Lane (C1144) and Lumber Lane. There is a bus stop located to the east of the junctions.

- 1.2 The site is located within the historic curtilage of Porch House a Grade II listed dwellinghouse (which is now in separate ownership to the application site), the dwellinghouse known as Coach House is considered to be curtilage listed with the boundary walls also being considered to be listed. The development site is located in the vicinity of St Peters Church which is Grade II\* listed and includes a number of other individually listed buildings within its curtilage (including the war memorial). Additionally the Lugwardine Conservation Area covers this part of the village and the development site, with the boundary of the conservation area, running along the eastern boundary of the site.
- 1.3 The area falls entirely within the River Lugg sub-catchment of the River Wye Special Area of Conservation, which is noted to be failing its conservation objectives at this point. The site is served by mains sewers, with the Welsh Water sewer network in the area conveying foul water (under the River Lugg) to the Eign Treatment works, which ultimately discharges to the River Wye.

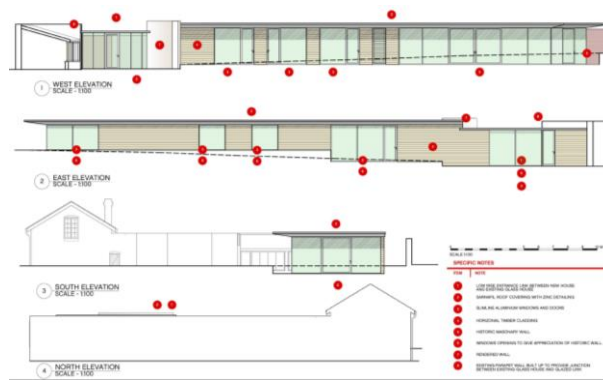


*Application site edged in red*

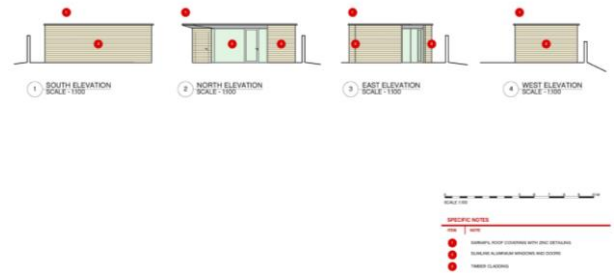
- 1.4 The site has an extant planning permission (ref:170440/F) and listed building consent (ref: 170599/L) for the erection of a single storey dwelling. The approved site plan and elevation plans for the dwelling and outbuilding are included below for reference, given this is the starting point for considerations as the proposed development.



*Site Plan as approved (showing entire application site)*



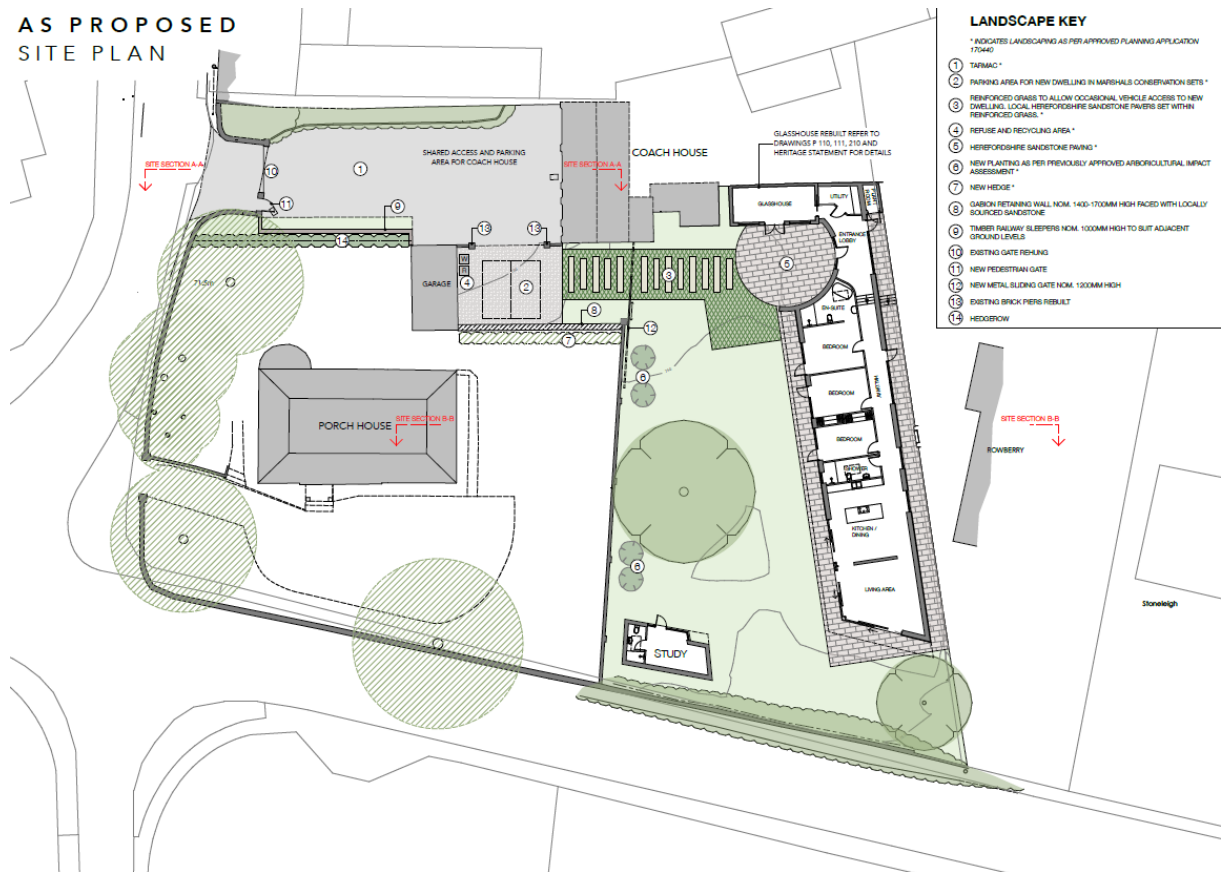
*Elevations of dwelling as approved*



*Elevations of outbuilding as approved*

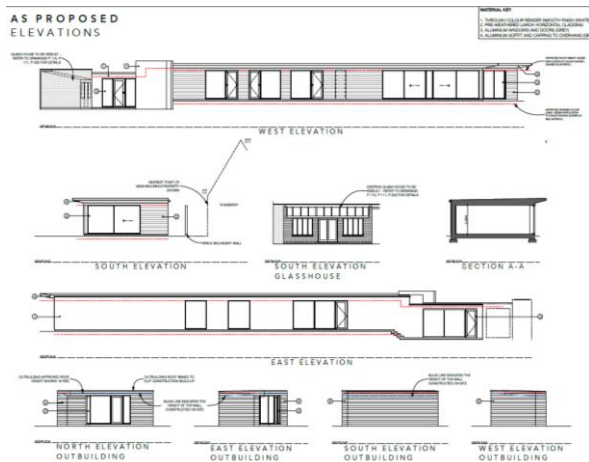
- 1.5 The proposals are submitted under both a Section 73 variation of conditions application to amend condition 2 of the previously approved scheme and a new Listed Building Consent application for the works.
- 1.6 The proposal is for various amendments to the approved development scheme, the substantive amendments proposed are:
  - the addition of a modest plant room to the rear of the dwelling in the north east corner of the site;
  - the increase in the finished floor levels of the dwelling and an ensuing increase in the roof height of the dwelling by approximately 0.57m;
  - the increase in the roof height of the outbuilding by approximately 0.20m;
  - alterations to the fenestration of the dwelling and the reduction in the amount of horizontal timber cladding being replaced with larger areas of through colour render (white) sections;
  - consent for the reinstatement of the Glass House;
  - alterations to the boundary treatment and landscaping details including the rebuilding of brick piers, a pedestrian access gate, a gabion retaining wall, a timber railway sleeper wall and a new sliding metal gate.
- 1.7 For reference, below are included a selection of proposed plans to aid the understanding of the proposals.

## AS PROPOSED SITE PLAN



Site Plan as proposed (showing entire application site)

## AS PROPOSED ELEVATIONS



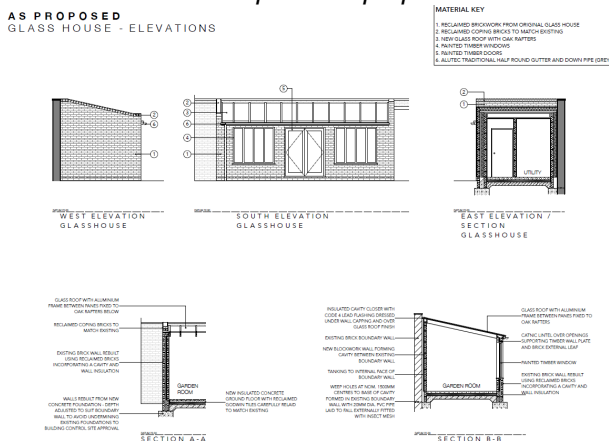
Elevation plans as proposed

## AS PROPOSED SITE SECTIONS



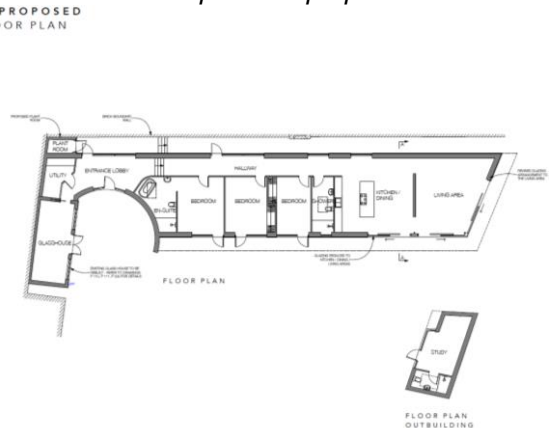
Section plans as proposed

## AS PROPOSED GLASS HOUSE - ELEVATIONS



Glasshouse Elevation plans as proposed

## AS PROPOSED FLOOR PLAN



Floor plans as proposed

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882



## Policies

### Herefordshire Local Plan – Core Strategy

2.1 The following policies are considered to be relevant 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
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application

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

[https://www.herefordshire.gov.uk/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

Bartestree with Lugwardine Group Neighbourhood Development Plan (made 1 December 2016)

[https://www.herefordshire.gov.uk/downloads/file/3207/neighbourhood\\_development\\_plan\\_adopted](https://www.herefordshire.gov.uk/downloads/file/3207/neighbourhood_development_plan_adopted)

2.3 The following policies are considered to be relevant to this application:

- Policy BL1 Criteria for the Design of New Housing
- Policy BL3 Infilling and Windfalls
- Policy BL4 Settlement Boundaries
- Policy BL7 Conserving Historic Character

## National Planning Policy Framework

2.4 The following chapters of the framework are considered to be pertinent to this application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
12. Achieving well designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

2.5 The Planning Practice Guidance published by the Government at the following link is considered to be a material consideration.

<https://www.gov.uk/government/collections/planning-practice-guidance>

2.6 Further the government's recently publish National Design Guide is considered to be material to the consideration of this application, link below.

<https://www.gov.uk/government/publications/national-design-guide>

## **3 Planning History**

3.1 The proposal site itself has not been the subject of any past planning applications. The following applications on the wider site are considered relevant:

160390 (Planning Permission) – Single storey, low impact dwelling house – Approved with conditions

160398 (Listed Building Consent) – Single storey, low impact dwelling house – Approved with conditions

170440 (Section 73 variation of condition) – Proposed amendments to extant consent ref 160398 re single storey, low impact dwelling house and repair of the curtilage listed glass house and garage. – Approved with conditions

170599 (LBC) – Proposed amendments to extant consent ref 160398 re single storey, low impact dwelling house and repair of the curtilage listed glass house and garage. – Approved with conditions

194379 (LBC) – Proposed design alterations to previously approved application 170599, including the addition of a plant room abutting the boundary wall – Withdrawn

194389 (Section 73 variation of condition) – Application for variation of condition 2 following grant of planning permission 170440 to incorporate minor design changes – Withdrawn

## 4 Consultation Summary

### Statutory Consultations

#### 4.1 Historic England – No Objection

“Thank you for your letter of 26 June 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

### Internal Council Consultations

#### 4.2 Transportation Manager

##### Original Comments

“There are no highways objections to the proposed plan amendments.”

#### 4.3 Service Manager Built and Natural Environment (Ecology)

##### Original Comments

“Please note these comments and HRA process apply equally to the linked (required) LBC application ref 201758

Based on advice received by the LPA in relation to ‘Section 73’ applications - if an application is made under Section 73 to carry out development without requiring compliance with a condition which has nothing whatsoever to do with drainage or any sort of discharge of water, then it cannot possibly result in an effect upon the SAC (as relates to the current Phosphate considerations) and can be considered as ‘screened out’ from requiring any further HRA considerations or requiring an appropriate assessment.

In this application this revised detail would be the submission of substitute plans, in order to construct a dwelling to slightly revised physical size-design. The proposed changes would not have any material effect on the drainage or foul water flows created by the development and as already approved and no increase in occupancy would be supported..

This specific application can be considered as screened out from requiring any further HRA process and NO adverse effects on the integrity of the Special Area of Conservation; is identified. Habitat Regulations 2017, Part 6, section 63(5)

It is noted that all surface water from this proposed development will be managed through onsite soakaway-infiltration systems and no surface water is proposed to enter the combined mains sewer system.

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Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

There are no other ecology comments on this application.”

HRA Screening - Appropriate Assessment (25/08/2020)

“The Conservation of Habitats and Species Regulations (2017)

Part 6, section 63

‘Assessment of implications for European sites and European offshore marine sites’

HRA Screening - Appropriate Assessment

River Lugg SAC

Also applies to required Listed Building Consent ref 201758

APPLICATION 201757

NO:

SITE: Land adjacent to Coach House, Lumber Lane, Lugwardine, Herefordshire

DESCRIPTION: Application for variation of condition 2 of planning permission 170440 (Proposed amendments to extant consent ref 160398 re single storey, low impact dwelling house and repair of the curtilage listed glass house and garage). To incorporate design changes, including the addition of a plant room abutting the boundary wall and works to the Glasshouse.

GRID OS 355159, 241078

REFERENCE:

Link to planning application on Herefordshire Council website:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=201757&search-term=160398](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201757&search-term=160398)

(see also LBC:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=201758&search-term=201758](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201758&search-term=201758) )

Assessment of ‘Likely Significant Effects’ on:

- ☒ River Lugg (Wye) Catchment SAC
- ☐ Forest of Dean & Wye Valley Bat SAC (Wigpool Iron Mines SSSI)
- ☐ River Clun SAC
- ☐ Downton Gorge SAC (SSSI-NNR)
- ☐ Other site (SSSI-NNR):

Likely significant adverse effects identified on initial Screening Assessment:

- ☐ Foul water
- ☐ Surface water
- ☐ Emissions



- ☐ Construction or Demolition processes
- ☒ Other: NONE

Appropriate Assessment information, discussion and proposed mitigation measures:

Based on advice received by the LPA in relation to 'Section 73' applications - if an application is made under Section 73 to carry out development without requiring compliance with a condition which has nothing whatsoever to do with drainage or any sort of discharge of water, then it cannot possibly result in an effect upon the SAC (as relates to the current Phosphate considerations) and can be considered as 'screened out' from requiring any further HRA considerations or requiring an appropriate assessment.

In this application this revised detail would be the submission of substitute plans, in order to construct a dwelling to slightly revised physical size-design. The proposed changes would not have any material effect on the drainage or foul water flows created by the development and as already approved and no increase in occupancy would be supported.

Recommended Planning Conditions to secure appropriate mitigation:

Not applicable

**CONCLUSION:**

☒ This specific application can be considered as screened out from requiring any further HRA process and NO adverse effects on the integrity of the Special Area of Conservation; is identified. Habitat Regulations 2017, Part 6, section 63(5)

Screening completed by: Ecology (J Bisset) 25/08/2020

There is no requirement to submit 'screened out' screening assessments to Natural England"

#### 4.4 Service Manager Built and Natural Environment (Heritage)

Original Comments

**"Recommendation:**

There is no heritage objection to the proposed amendments as it is considered that they would not cause additional harm to the setting of adjacent heritage assets or the character or appearance of the Conservation Area.

The NPPF requirement (Para.130) to ensure approved schemes are not materially diminished as a result of applications for variation of condition has been satisfied.

## **Heritage Background:**

The proposed site is situated within the Lugwardine Conservation Area, and within 5-20m of Porch House, a Grade II listed, late-Georgian detached dwelling, and 50m of St. Peter's Church, Grade II\*.

## **Conditions:**

C07 – Development in accordance with approved plans and materials.

C13 – Samples of external materials.

CH3 - Masonry Sample Panel

No works in relation to any of the features specified below shall commence until a sample panel of all new facing brickwork is provided on site at a minimum size of 1m x 1m and showing the proposed:

Glass House:

brick type, size, colour, texture, bond pattern, mortar mix, joint thickness and finish profile.

Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly.

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.

CH8 – Joinery Works (metal or timber)."

## Further Comments

### **"Recommendation:**

When assessed against the 2016 and 2017 approved schemes there is no heritage objection to this variation of condition application.

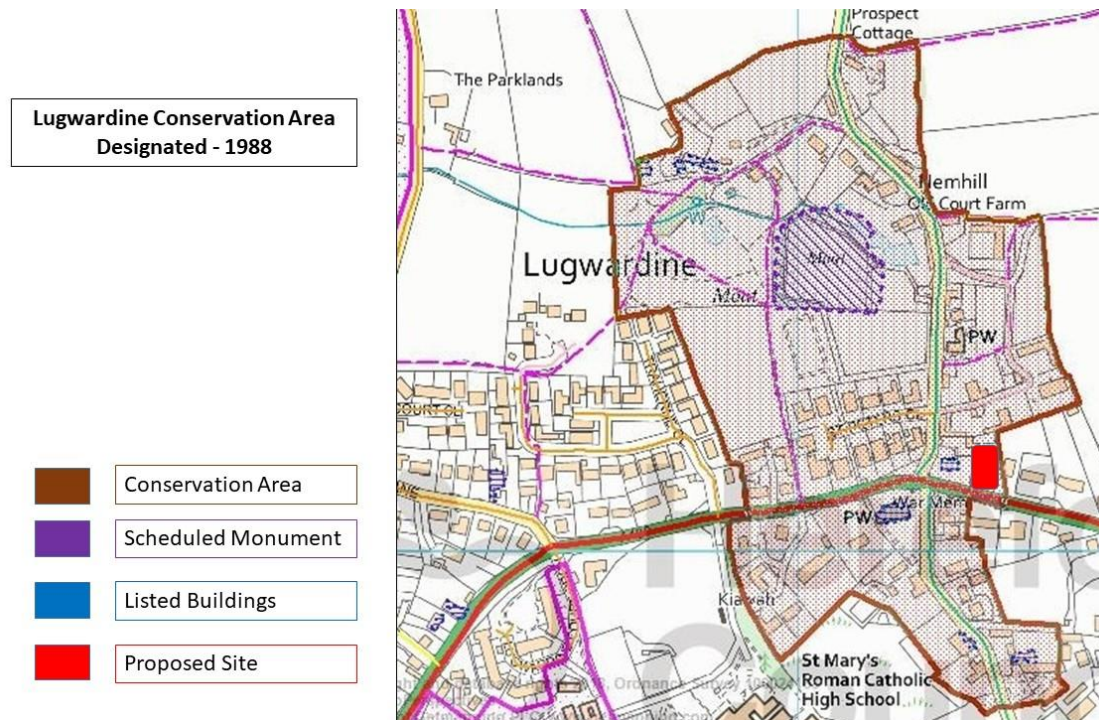
It is considered the proposed scheme would satisfy the statutory requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve the setting of heritage assets, and to preserve or enhance the character and appearance of conservation areas.

In addition, Paragraph 130 of the National Planning Policy Framework, which advises the quality of an approved development should not be materially diminished between approval and completion as a result of changes to an approved scheme, is also satisfied.

## Heritage Background:

The land adjacent to Coach House is situated within the Lugwardine Conservation Area, and within 5-30m of Porch House, Grade II listed, and 50m of St. Peter's Church, Grade II\* listed; it is also approximately 150m north-west of a mediaeval moated site which is designated a Scheduled Ancient Monument.

In addition to these assets there are eleven designated heritage assets (excluding churchyard monuments) within a 500m radius of the site.



The site concerned primarily forms part of the setting of Porch House - being situated within its historic curtilage - but from an associative perspective its character contributes to how the setting of other heritage assets, and this part of the wider settlement, is perceived.

### Conservation Area:

Lugwardine Conservation Area is broadly linear in form, oriented on a north/south axis, with its southern sector dissected by the A439. The staggered junction between the A439, Lumber Lane and Rhystone Lane ensures that structures situated around it have a prominent and commanding visual presence.

The Church of St. Peter and the moated site evidence the earliest recorded development of Lugwardine as a mediaeval settlement, which was formerly in the ownership of the Crown, and detailed in the Domesday Book.

There are several 17<sup>th</sup> century timber-framed cottages in the northern sector; and four substantial farmsteads, one in the northern sector – Old Court Farm – two in the central sector – Porch Farm and New Rent Farm - and one in the southern sector - Rock Farm.

Three of these, (Old Court, Porch & Rock) had their farmhouses purposely detached from their farm buildings, affording them some prominence in their respective streetscapes, and, in design terms, each exhibited a degree of a-la-mode architectural character.

In addition to these sites there are also a number of the 19<sup>th</sup> century buildings which have significant architectural, aesthetic and historic merit, including those associated with the Godwin Brick & Tile Works, and Lugwardine Chapel, all situated in Lumber Lane.

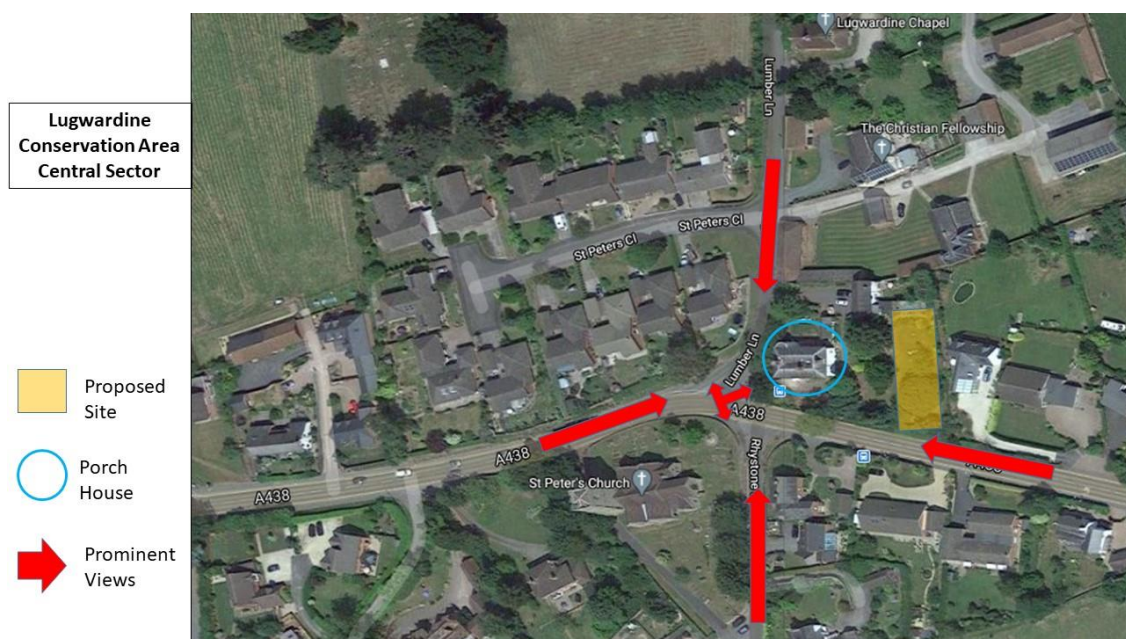
Godwin's influence on materials utilised within the settlement in the mid-late 19<sup>th</sup> century is a substantial one, with several buildings incorporating architectural brickwork detailing, and decorated tile flooring, including structures and boundary treatments at Porch House.

Although not exhaustive, non-designated heritage assets within the conservation area include:

Aberdeen Cottage (No.'s 1&2); the Glebe; the Terrace (No.'s 1&3); Old Court Farm; Old Court Barns; Brickyard Cottage; the Old Tile Factory; Ross Cottage; Monk's Orchard & Barn; the Sheepcote; the Granary; the Hop Pocket; Penelope Cottage; Church House; School Cottage (No.'s 1&2); School House; Kartway House (former Vicarage); Little Rock; the Barn (at Rock Farm).

Important views within the conservation area which relate to the site include:

A439 – eastwards from the western boundary of the CA;  
A439 – westwards towards the junction with Lumber Lane and Rhystone Lane;  
A439 – at the junction with Lumber Lane;  
Lumber Lane – southwards towards the junction with A439;  
Rhystone Lane – northwards towards, and at, junction with A439;



Where historic boundary treatments remain, such as brick and stone walling, they make a positive contribution to the character of the area; conversely, the proliferation of post & rail and panel fencing has had a negative impact as it is not representative of vernacular treatments.

In terms of modern housing, the 20<sup>th</sup> century development at St. Peter's Close has had the most harmful impact on the conservation area given its uncharacteristic pattern, density and architectural form.

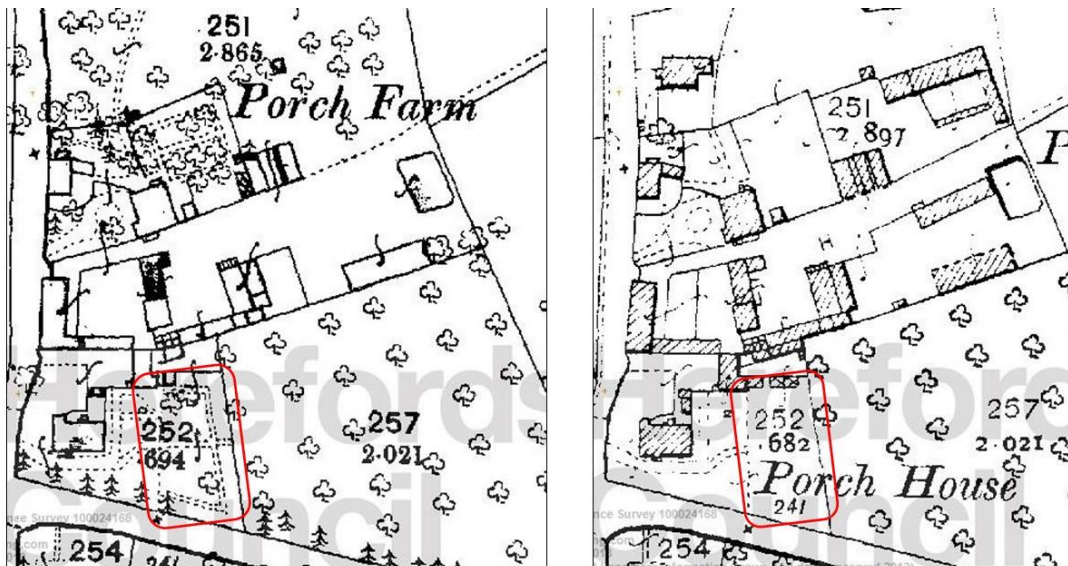
The significance of the conservation area lies primarily in the characteristics which evidence the settlements morphology, particularly where they are associated with evolving domestic, social and economic practices; these include its layout and density – relatively sparse linear development in the northern and eastern sectors of Lumber Lane, and a denser but still linear pattern in the southern sector along Rhystone Lane – the separation between plots and the degree of historically undeveloped space which remains, particularly in the northern and western sectors, and the variety of architectural forms which enable an understanding of the vernacular craftsmanship employed over a 700+ year period.

#### Porch House - Setting:

Porch House represents the strongest example within the conservation area of the domestic/agricultural detachment pattern previously highlighted, and the dwelling's architectural treatment displays a modest Georgian grandeur typical of its socio-economic status and its rural context; its position overlooking the crossroads also provides it with a degree of prominence which is reflected in the cohesive design characteristics of its southern and western elevations.

Historic OS mapping from 1886 illustrates the curtilage land to the east of the house forming part of a designed garden scheme, but by 1903 this appears to have changed, possibly due to a change in the functionality and formality of the space (the glasshouse also appears at this stage). Later OS mapping illustrates the curtilage as one complete parcel with no distinct design characteristics, but it remained an undeveloped domestic curtilage and as such has contributed to the significance of Porch House as an aspirational, late 18<sup>th</sup> century, farmhouse.





Proposed Site within former Porch House Curtilage

## Heritage Comments:

### PP/LBC - 160390/398 – 2016:

The 2016 application proposed sub-division of the curtilage of Porch House, and whilst this would inevitably result in change to its setting it was felt that the design response proposed maintained the garden character of the site, and that the new sub-dividing boundary wall treatment reflected the scale and form of the historic wall adjacent to Rowberry; on this basis impact on setting was considered limited.

### PP/LBC - 170440/599 – 2017:

The 2017 application sought to extend the approved dwelling by incorporating the historic glasshouse with a sympathetic link, and adding a detached study/store to the newly created south-western corner of the site.

It was felt that the proposed amendments to the approved scheme were minor, and that the high quality of design, and enhancement of the outbuilding, ensured the scheme was in line with statutory obligations and policy requirements.

### PP/LBC - 201757/578 – 2020:

This latest application proposes the addition of a plant room to the north-eastern side of the dwelling and an increase in floor and roof heights across all new buildings to accommodate existing construction levels.

The plant room addition is a minor amendment situated in an enclosed part of the site, and whilst the increase in roof height will result in the dwelling and office being taller than the boundary walls the perception of this increase will be minimal given the distance between Porch House, the new boundary wall and the western edge of the new dwelling; on this basis it is considered neither amendment will harm the character of the conservation area or the setting of Porch House.



Recommended conditions of approval have been provided in previous comments.”

## **5 Representations**

### **5.1 Bartestree with Lugwardine Group Parish Council**

#### Original Comments

“Bartestree with Lugwardine Group Parish Council wish to object to this application for the following reasons:

- Density of the works are no longer low impact. There will be a substantial amount of over-shadowing. NDP BL3 – The new building would fail to be in keeping with the scale of its surroundings.
- Enforcement should insist that the foundations are reduced to the original planning agreed – even if this means underpinning the wall. If this proves to be impossible, the building should be built further away from the wall.
- Lack of privacy – the roof light looks straight into the bedrooms of Porch House.
- It does not comply with NDP BL7 – Conserving heritage character. The wall surrounding Porch House has been removed without consent. The glasshouse has also been removed without consent.
- There would be a loss of light to neighbouring properties as the wall would be 0.8m above the wall and very close to the neighbouring property. The first application stated “a successful project would respect important views and respect the scale of neighbouring buildings. The scale does not impinge on the existing house to the East” – this is clearly no longer the case.

The following comments were also made for drawing to the attention of the planning officer.

- The applicant appears to have a history of ignoring Listed Building Consent; planning regulations and the intrinsic nature of the Conservation Area.
- The complete lack of openness and clarity is an unsatisfactory feature of all the planning applications relating to this site.
- Did building regulations approve the footings? Or have they not looked at it?
- No extraction fans are shown on the plans. Do they not intend to install them?
- The gabions already installed are not in keeping with a Grade 2 listed property and should be removed.
- The Godwin tiles must be used in any building erected on the site
- It is vital that Planning, Enforcement and Conservations teams work together on this matter to ensure clarity and an adherence to rules and regulations.”

### **5.2 Third Party Representations**

The application has received 64 representations to date, 30 supporting the application and 34 objecting to the development. The main points raised are summarised below:

- Amendments will significantly increase the size of the approved building, from the height that it was originally approved at to what is proposed now

- Raising the height of the roof is inappropriate given the proximity to Rowberry and Porch House, it would cast a shadow such as to significantly reduce the daylight to the kitchen/diner area of our property and adversely affect our amenity to an unacceptable level.
- The increase roof height will block the views from the adjoining dwelling
- The installation of a heat recovery system is an unnecessary addition to the dwelling and no details are provide as to the vents.
- The development does not fit with the design aesthetic of the local area, poor design
- The development will be visible from the bedroom windows of the Porch House and would compromise privacy
- Retrospective applications make a mockery of the planning process, much of what is proposed is retrospective.
- The proposals amount to stealth changes to the approved scheme.
- The integration of the Glass House into the dwelling and re-use of Goodwin tiles is carefully considered and the is proposal is of a high-quality design
- The demolition of the glass house was knocked down and with now be rebuilt and the building will now be characterless and s
- Application would not impact on adjoining roads and so no objection
- The size of the dwelling has previously been increased (in terms of footprint)
- There would be an increase to traffic on lumber lane
- The design and construction of a modern building does not sit comfortably within the curtilage of a listed building
- The increase in height would detrimentally impact the views travelling down the hill of the A438
- The raising of the height of the gabion retaining wall is entirely inappropriate, as are the timber sleepers
- The foundations have been laid higher than approved, if these were laid correctly there would be no need for the application.
- There has previously been applications to remove trees from the site and this has had a detrimental impact on a once mature garden
- Porch House and St Peters Church are listed buildings and focal points of the village, the changes proposed would have a detrimental impact to the significance of the heritage assets
- The relaying of the Goodwin Tiles and reinstatement of the Glass House is beneficial
- The location of the refuse storage area next to the garage/wash house is inappropriate
- The proposal conflicts with policies BL1 of the NDP (criteria I, V, VI), policy BL3 & BL8

5.3 All the consultation responses can be viewed in full on the Council's website by using the following links:-

201757 – Section 73 variation of condition:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=201757&search=201757](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201757&search=201757)

201758 – Listed Building Consent:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=201758&search=201758](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201758&search=201758)

## 6 Officer's Appraisal

6.1 This report relates to one site which is the subject of two applications which were submitted simultaneously and are for the same works. Application reference 201757 is an application for a variation of condition of the previously approved planning permission (170440/F) to alter the development and application reference 201758 is a Listed Building Consent application for the same works. This report considers both applications

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Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

concurrently and ultimately makes two independent recommendations on the applications.

### Policy context and Principle of Development

- 6.2 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended & referred to as 'TCPA' henceforth) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

*"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."*

- 6.3 In this instance the adopted development plan (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS henceforth) and the Lugwardine and Bartestree Neighbourhood Development Plan ('NDP' henceforth). The National Planning Policy Framework ('NPPF' or the framework' henceforth) is also a significant material consideration, but does not constitute a statutory provision, unlike the development plan.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the framework require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.
- 6.5 As is set out at paragraph 30 of the framework and stipulated at Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (as amended), *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document"*. In this way should a conflict between the NDP and the CS arise, the NDP will take precedence over the CS unless there are other material considerations that dictate otherwise
- 6.6 CS Policy SS1 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 CS (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

- 6.7 The principle of the development of a single storey dwelling has been established on the site with the grant of planning permission for the dwelling in 2016 and its subsequent amendment in 2017. Material operations have commenced in relation to this permission and so the consent is considered to be extant in perpetuity and this constitutes a fallback position for considerations and officers attribute very significant weight to it; in this regard the extant permission forms a baseline for these considerations.
- 6.8 It follows that as the site has an extant planning permission to which a variation is sought (ref: 201757), it is not within the Local Planning Authority's ambit at this stage to reconsider this matter and to do so could be construed as being unreasonable.

### Heritage

- 6.9 The application site is located within the curtilage of a listed building, the setting of another listed building and is within the Lugwardine Conservation Area, therefore the consideration of any impact to these heritage assets is important to the overall acceptability of the proposal. The legislative and policy context for considering these matters is set out below.
- 6.10 When considering the impact on the heritage assets the Local Planning Authority has a number of statutory duties in this regard. These statutory duties are set out under the Planning (Listed Buildings and Conservation Areas) Act 1990 ('LBCA Act' henceforth). Section 16 (2) and Section 66 (1) require that in considering whether to grant listed building consent or planning permission for any 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. In relation to any building or other land in a conservation area, Section 72 requires a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 6.11 The historic environment is an important aspect of the framework at Chapter 16; paragraph 184 lays out that whilst there are a range of heritage assets, they are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 6.12 In relation to the determination of applications, the framework (at paragraph 189) includes an expectation that applicants should describe the significance of any heritage asset affected, including any contribution made by its setting, with this level of detail being proportionate to its setting but no more than is sufficient to understanding the impacts of a proposal on significance. Following on, paragraph 190 of the framework, indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, seeking to avoid or minimise any conflict between the conservation of an asset and a proposal. Further local planning authorities, ought to take into account the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conserved assets can make to communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.13 However the framework is clear at paragraph 191, where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

- 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.
- 6.15 The framework sets out two tests for cases where harm is identified, that being the test for substantial harm under paragraph 195 and the less than substantial harm test under paragraph 196. In interpreting the framework the High Court held in the Bradford case that there are only three levels of harm (as identified in the framework), 'substantial harm, less than substantial harm and no harm'. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm; it follows that if there is minimal harm it must fall to be considered within the category of less than substantial harm and the appropriate test undertaken.
- 6.16 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. For cases of less than substantial harm to the significance of a designated heritage asset (under paragraph 196), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Providing the desirability of preserving an asset has been given considerable weight, and the balance tipped appropriately in-favour of preservation, the assessment of the weight to the actual harm to significance (or special interest) in the overall balance is a matter for the decision maker.
- 6.17 Paragraph 200 sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of listed buildings to enhance or better reveal their significance; with proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably. At paragraph 201 the framework notes that not all elements of a conservation area necessarily contribute to its significance.
- 6.18 Policy SD1 of the Core Strategy requires that development proposals take into account the local context and site characteristics. Moreover, new building 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 SS6 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. 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.
- 6.19 The NDP includes a policy relating to the conservation of the historic character, policy BL7 is as follows:

*“All applications affecting heritage assets in the Parish will be required to consider the significance of any heritage asset affected including any contribution made by their setting.*

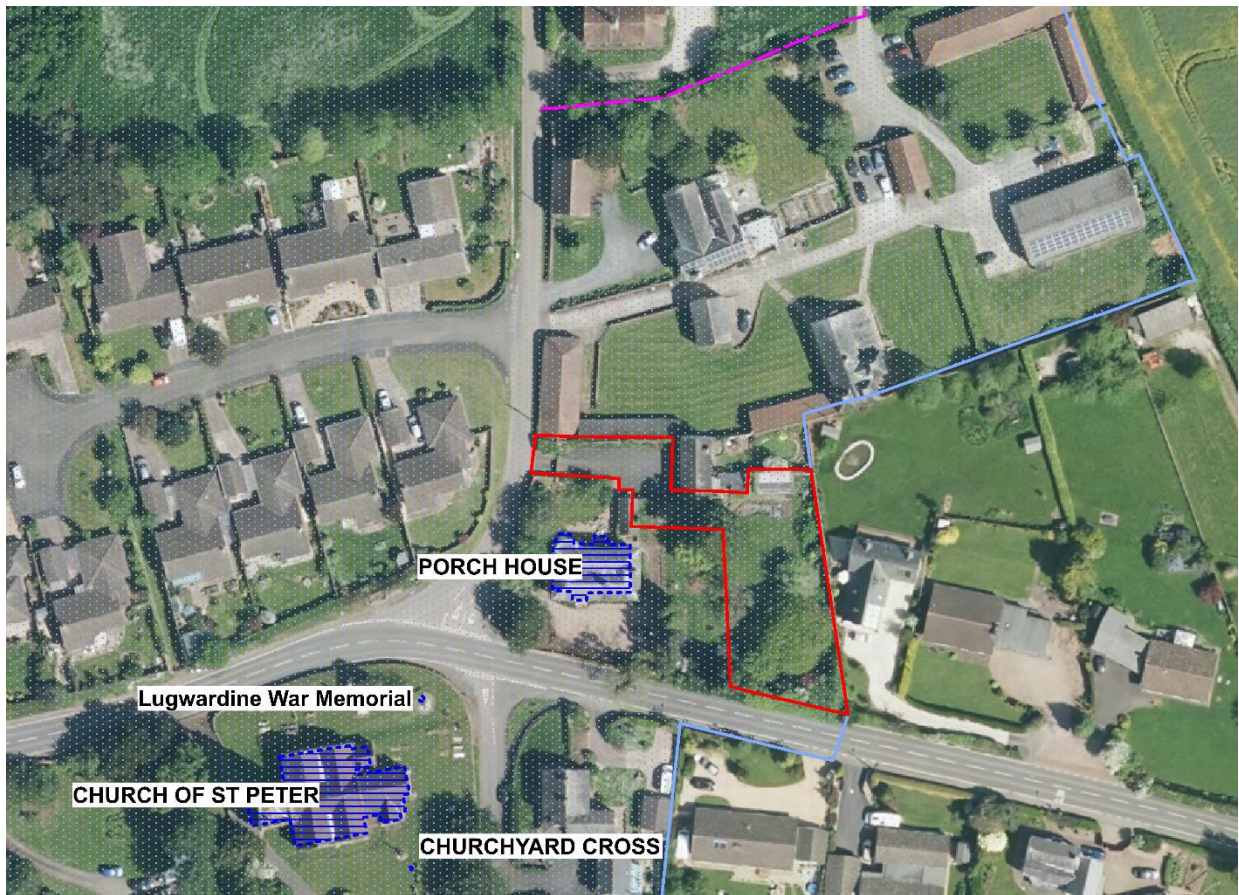
*Great weight will be given to the conservation of a designated heritage asset and any harm or loss will require clear and convincing justification in line with national policy.*

*Non-designated heritage assets, including the unregistered parks and gardens and traditional orchards shown on Map C, will be conserved or enhanced and their character protected. A balanced judgment will be required about the effects of any development proposals on or close to such assets having regard to the scale of any harm or loss and the significance of the heritage asset.*

*Within the Lugwardine Conservation Area, new development must conserve or enhance the character or appearance of the Conservation Area.”*

- 6.20 It is noted at this stage that the provisions of NDP policy BL7 reflect the requirements of the framework, in that point one relates to paragraph 189, with point two relating to paragraphs 193 & 194; the last aspect reaffirms the statutory duties on the decision-maker.
- 6.21 The applications are accompanied with a heritage statement as part of the documents submitted. This is considered to adequately describe the significance of the heritage assets affected including the contribution made by their setting, satisfying the expectations of paragraph 189 of the framework.





Aerial image showing application site edged in red, listed buildings in dark blue & labelled, with the conservation area in light blue.

### *Listed Buildings & Setting*

- 6.22 The application site is within the historic curtilage of Porch House a Grade II listed building, with the Coach House and the boundary walls being considered to be curtilage listed and is within the setting of the St Peters Church a Grade II\* listed building, within the curtilage of the church are two individually listed buildings, the Lugwardine War Memorial Grade II, the Churchyard Cross Grade II and the Ridler Monument listed at Grade II.
- 6.23 The LBCA Act at Section 1(5) provides the meaning of a 'listed building' which means a building included on the national list and includes; any object or structure fixed to the building and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1<sup>st</sup> July 1948. There is also the provision for aspects of a building to be excluded from the listing, however that is not applicable in this case. The effect is that whilst the primary building is listed, other aspects may be curtilage listed such as ancillary buildings and boundary walls etc. with these receiving the same statutory protections.
- 6.24 The applications do not propose any works directly to the identified listed buildings (namely Porch House) as this lies outside of the application site. As such the proposal relates to curtilage listed structures and the setting of listed buildings.
- 6.25 There is a statutory duty to consider and have special regard to the impact of the proposals on the setting of heritage assets; the framework defines setting as: "The

*surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*

- 6.26 In this regard the site is considered to principally form part of the setting of Porch House as it is situated within the historic curtilage; with the site also being regarded to be within the setting of St Peters Church though the relationship isn't as strong as it is some 50 metres to the west with the A438 in between. I note that approximately 150 metres to the north west of the application site lies a mediaeval moated site, which is a designated Schedule Monument and the Building Conservation Officer identifies there to be eleven other designated heritage assets (excluding the churchyard monuments) within half a kilometre of the site, however officers don't consider the proposals to affect the setting of these heritage assets.
- 6.27 Porch House lies at the corner of Lumber Lane and it is understood to be an early 19<sup>th</sup> century building (circa 1830 as identified by Pevsner) with stuccoed brick with a hipped slate roof set within an ample curtilage. It is noted to have a degree of prominence as it adjoins the crossroads and this is reflected in the cohesive design characteristics of its southern and western elevations. Further the building has associations to William Godwin and internally includes an ornate Godwin tiled floor amongst other features. Officers consider its significance to be derived from its design aesthetic, cultural associations with Godwin and prominence as a substantial detached dwelling at the crossroads with an ample curtilage. The contribution that this development site makes to the setting of the heritage asset was considered to be from the sense of spaciousness that it offered the historic curtilage of the dwelling.



*Site photo showing the side (east) elevation of Porch House, which faces the site of the dwelling.*

- 6.28 St Peter's Church occupies the land to the southwest of the crossroad, it dates to circa 13<sup>th</sup>/14<sup>th</sup> century with evidence of a 12<sup>th</sup> century window and as a Grade II\* asset it is identified as an important building of more than special interest. The value of the church is considered to be wide ranging, as evidential (given the potential archaeology in the graveyard), aesthetic (given the architectural features of the building) and communal (as a community focal point in the village), the significance of the building in terms of its setting



mainly is considered to be from its location on a prominent and open location in the centre of the village. The contribution of the development site to the setting of the building is however limited due to the separation distance, the same applies to the monuments in the curtilage of the church.



*Left photo showing St Peter's Church and right photo showing view from St Peter's Church towards the application site past Porch House and the War Memorial.*

- 6.29 The development permitted would undoubtedly affect the setting of the Porch House, given it subdivided the historic curtilage of the building, however this aspect of the development has been permitted and so it forms a baseline for considerations and is not being re-assessed, with the principal consideration being if the amendments proposed would cause additional harm to the setting of heritage assets.
- 6.30 The proposed alterations to the development are not considered to result in harm to the setting of the heritage assets, the slight increase in the roof height of both the dwelling and the outbuilding is not considered to be detrimental to any views of the heritage assets. This is due to the minor nature of the increase and their subservient form compared to the surrounding built form especially given the distance between Porch House, the new boundary wall and the western edge of the outbuilding. Further the plant room is a minor amendment in an enclosed part of the site and so would not result in any harm. I note the representations on this matter and the consultation responses from the Building Conservation Officer in this regard.

#### *Conservation Area*

- 6.31 As the application site is within a conservation area, the Local Planning Authority must ensure special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area, when it is determining this application, as per Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.32 The House of Lords in the South Lakeland case (4) held that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved." However it goes on to acknowledge that change per se isn't unacceptable, as all development must involve a form of change and if the purpose of the legislation was to prevent development it would have done so in very different language. In that way where a particular development is not considered to have any adverse effect on the character or appearance of the area and is otherwise unobjectionable on planning grounds, that would not be a sound planning reason for refusing it.

- 6.33 The interpretation is added to by Historic England vs Milton Keynes Council (2018), where Mr Justice Dove noted that the phrase ‘character or appearance’ is not confined simply to the historic built fabric of the area. Whilst the built environment is integral to the appearance of an area, quite deliberately the statutory test isn’t confined to simply visual matters, as the character of the area includes a range of qualities which are relevant to an evaluative planning judgement. The test includes matters such as historic uses and the contributions which they make to the character of the area by influencing the understanding of that area and reflecting experiences that are not simply visual. It is clear that considerations need to be comprehensive and include all historic aspects of the area which bear upon its value and the appreciation of it, but it is clear that the built fabric should be regarded as pre-eminent over other dimensions of historic interest such as the uses that have historically taken place.
- 6.34 Considering the notion of isolated harm in relation to the wider conservation area, R. (Irving) v Mid-Sussex District Council (2016) held that if there is harm to a part of a conservation area, the fact that the area as a whole will still have special character does not overcome the fact of that harm for considerations under Section 72 of the 1990 Act.
- 6.35 As noted by the Building Conservation Officer in their consultation response, the Lugwardine Conservation Area is broadly linear in form, oriented on a north/south axis, with its southern sector dissected by the A439. The staggered junction between the A439, Lumber Lane and Rhystone Lane ensures that structures situated around it have a prominent and commanding visual presence. The significance of the conservation area lies primarily in the characteristics which evidence the settlements morphology, particularly where they are associated with evolving domestic, social and economic practices; these include its layout and density – relatively sparse linear development in the northern and eastern sectors of Lumber Lane, and a denser but still linear pattern in the southern sector along Rhystone Lane – the separation between plots and the degree of historically undeveloped space which remains, particularly in the northern and western sectors, and the variety of architectural forms which enable an understanding of the vernacular craftsmanship employed over a 700+ year period. In this regard and specifically around the application site, the character of the locale derives from historic dwellings set within spacious and prominent curtilages, as well as more modern development that doesn’t address the public highways.
- 6.36 Given the development previously permitted, the proposals would not adversely affect the character of the area as the erection of a dwelling on this land with the outbuilding has an extant consent, with there being no harm from what is proposed in this regard. In terms of the appearance of the area, the design and form of the proposal is broadly similar to the dwelling already approved, with the proposals involving an increase in the roof height of the dwelling by approximately half a metre and approximately 20cm on the outbuilding. In this regard, having given this matter special regard and having considered the representations and consultation response from the Building Conservation Officer, officers consider that the appearance of the area would be preserved with the proposals not being harmful to the appearance of the locale,.

### *Curtilage listed buildings*

- 6.37 In relation to curtilage listed buildings, they receive the same level of protection as listed buildings and in this regard the principal area of consideration is the glasshouse. This building abuts the brick boundary wall shared at the north end of the site with Coach House. The building was of brick construction with a glazed roof and large windows, it included a Godwin Tile floor. The building has been dismantled without explicit consent, and whilst the Godwin tiles from the floor have been retained along with other materials, the building has never the less been irreversibly damaged.



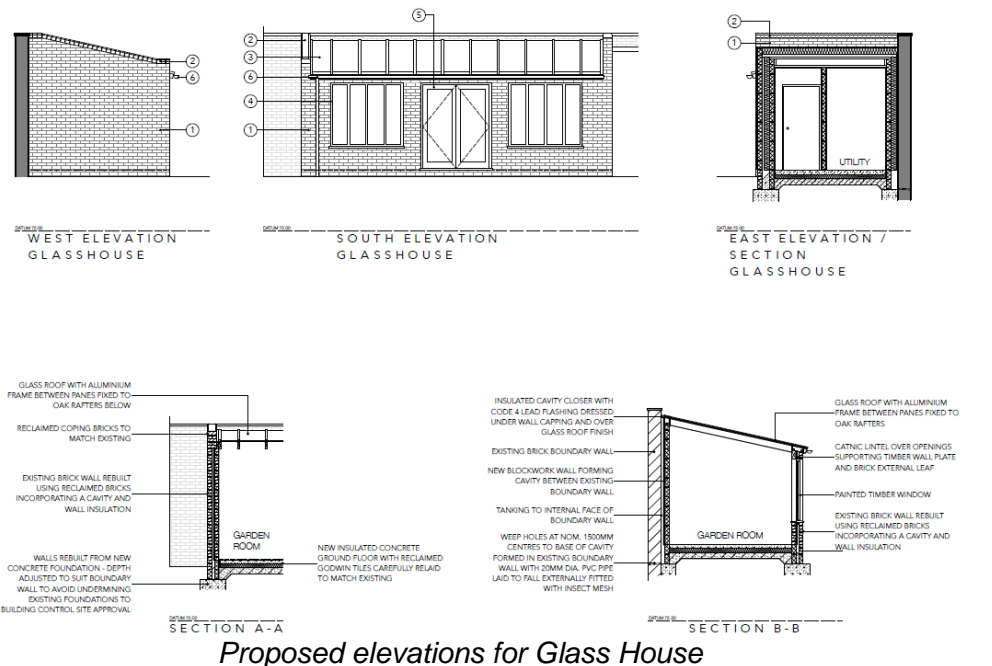
*Selection of photos from Heritage Statement (page 5) showing former Glass House*



*Site photo of partially reconstructed Glass House (July 2020)*

- 6.38 The Heritage Statement submitted sets out that the proposal is carefully designed to be similar to that of the original Glass House, with the exception of some modern interventions to improve the thermal efficiency of the building, with the tile floor to be re-laid in a similar manner and for it to be reconstructed of reclaimed brick.

## AS PROPOSED GLASS HOUSE - ELEVATIONS



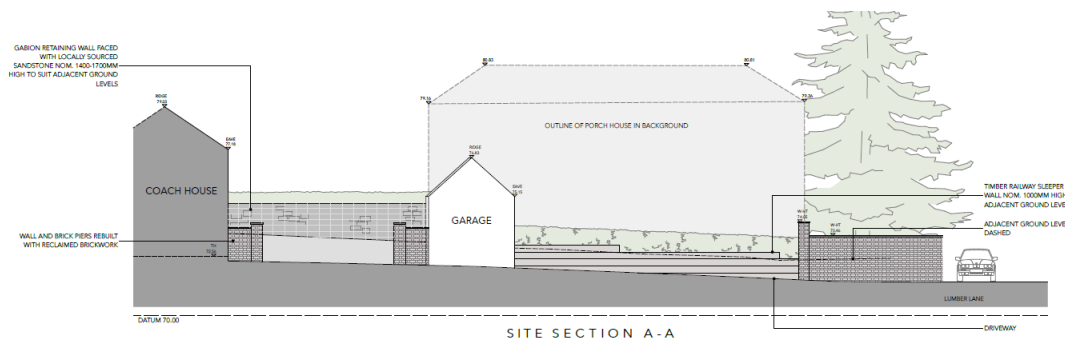
*Proposed elevations for Glass House*

6.39 Whilst the demolition of the glasshouse is plainly regrettable whatever the circumstances of it occurring, be it through ambiguity (in the previous decision), a misunderstanding or otherwise, the facts of the case are that its loss has occurred. The Council's enforcement and conservation officers assessed the matter at the time it happened and no enforcement action has been taken. These matters are not for consideration at this stage and the current applications are not an appropriate forum to revisit these matters. These events took place prior to the submission of the current applications and in this sense the harm has already occurred. It is irreversible as the historic fabric of the building has been lost irrespective of the determination of these applications and this matter can't be undone. The proposal however is for the re-instatement of the building as part of the dwelling, with the incorporation of the Glass House in the dwelling something that is already approved. Officers conclude that this is an acceptable resolution to the situation, as the building will be reinstated (with a condition being recommended to secure this matter). It should be noted at this stage the Council has not initiated any other mechanism for the reinstatement of the building and a pre-occupation condition would fulfil this role, giving certainty to the matter. As such whilst there are plainly no benefits from this unfortunate situation at this juncture, there is equally also not considered to be harm from the re-instatement of the building, with the effects considered to be neutral in heritage terms.

6.40 In relation to the installation of a pedestrian gate (point 11 on the site plan landscaping key), the installation of a new metal sliding gate (point 12), the rebuilding of existing brick piers (point 13), the retrospective erection of timber railway sleeper wall (point 9) & gabion retaining wall (point 8). The pedestrian gate is considered to be acceptable it is a feature which is in keeping with the wider appearance and setting of the site, thus is not a harmful alteration. The installation of gabion wall and timber railway sleepers, are both materials that are not found elsewhere on the site however the hues and tones of the materials are natural in their appearance and do not try to mimic historic features providing a clear delineation of the modern curtilage that is not an intrusive or dominant feature, equally



they are not considered to be harmful in this regard. The rebuilding of the piers as an entrance way from the shared driveway with the Coach House to the new dwelling is not considered to be detrimental, neither is the new metal sliding gate at the entrance to the approved dwelling, equally causing no harm and being acceptable in design terms.



*Site section as proposed, showing points 8, 9, 11, 13 (as referenced above)*

- 6.41 To bring the above assessments of the heritage aspects together, individually and cumulatively the proposed alterations to the approved development are not considered to adversely affect or give rise to harm to the designated heritage assets nor their setting, as they would be preserved, having given this matter special regards as is required. Thus, the proposal is considered to accord with Policies LD4, LD1, SS6 and SS1 of the Core Strategy and policy BL7 of the NDP. Under the framework there is no need to undertake the test prescribed in paragraph 196 as no harm has been identified. Further paragraph 200 outlines that proposals that preserve those elements of the setting that make a positive contribution should be treated favourably.

#### Design / Appearance / Amenity

- 6.42 In regards to the design of proposed developments, the LPA has a statutory duty under Section 39 of the Planning and Compulsory Purchase Act 2004 to have regard to the desirability of achieving good design.
- 6.43 When considering the design and landscape impact of a proposed development, Policy SD1 of the Core Strategy is significant as it requires development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should 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. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Specifically regarding landscape matters, Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and the enhance environmental

assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.

- 6.44 The NDP sets out its criteria for the design of new housing at policy BL1, the criteria are as follows:
- I. incorporating locally distinctive features - although new innovative design or features will not necessarily be resisted where they fit sensitively within the particular village frontage and street scene;
  - II. incorporating eco friendly initial designs that include orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure and renewable energy infrastructure such as photovoltaic panels or other sustainable renewable energy solutions wherever possible;
  - III. making proportionate provision for open green spaces which are linked where possible to the wider natural environment and accessible to the public for recreational use;
  - IV. retaining important features such as tree cover, ponds, orchards and hedgerows and adding to the natural assets of the parish where opportunities are available;
  - V. where possible, garages must be built in direct association with the houses whose inhabitants may be expected to use them. They must be of a sufficient size to accommodate modern cars. Proposals for rear or separate parking courts will not be permitted unless alternative provision is impracticable. Sufficient off street parking must be provided to accommodate space for visitor parking for each household;
  - VI. an appropriate size of garden space should be provided in proportion to each new dwelling;
  - VII. on site measures that support energy conservation, such as tree planting and other forms of green infrastructure to provide shade and shelter, the inclusion of sustainable drainage systems, the maximum use of permeable surfaces and minimising the use of external lighting to that which is necessary wherever possible;
  - VIII. assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties where appropriate;
  - IX. minimising construction traffic and reducing waste;
  - X. including, where possible, dwellings that meet standards for lifetime homes
- 6.45 Further policy BL3 is considered to be applicable in this regard as it relates to new housing developments and sets out that; development should be in keeping with the scale, form and character of its surroundings; should not impact adversely on the amenity of neighbouring properties including loss of daylight, loss of car parking or mature vegetation or landscape screening; be in character with existing dwellings; and have a safe and suitable access to the public highway.
- 6.46 The framework is a key material consideration for the proposal , it includes a chapter focused on achieving well-designed places (chapter 12), which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework) should ensure

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Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

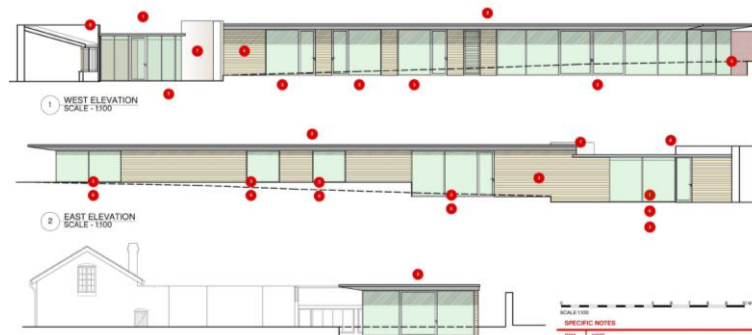
developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. Additionally paragraph 98 of the framework sets out that decisions should protect and enhance public rights of way, including taking opportunities to provide better facilities for users.

6.47 The framework is clear at paragraph 130 that "planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides." The government has confirmed by way of a Written Ministerial Statement (on 1st October 2019) that "in the absence of local design guidance, local planning authorities will be expected to defer to the illustrated National Design Guide"; the National Design Guide is therefore considered to be a material consideration for consider what achieves good design in proposed developments. Equally design shouldn't be concocted as a reason for refusal when proposals accord with the design expectations of the framework, material considerations and development plan. Additionally at paragraph 131, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

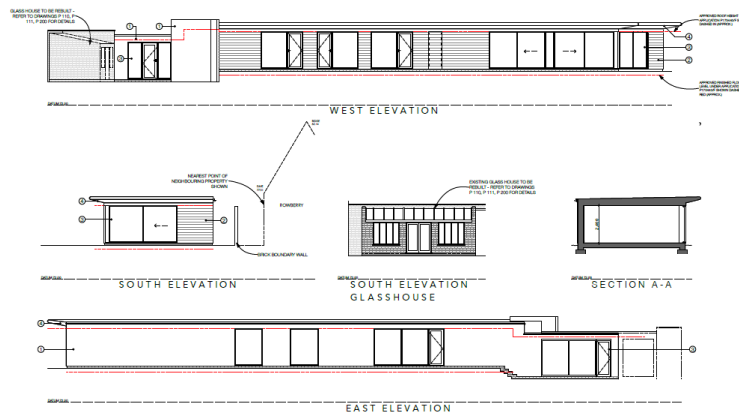
6.48 Specifically in relation to alterations and amendments to applications, the framework instils a principle that any amendment must be of an equal design quality to the approval and not a lesser one; this is clear at paragraph 130:

*"Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."*

6.49 The proposal includes amendments to the design of the dwellinghouse, including increasing the roof height of the dwelling and altering the fenestrations around the southern end of the dwelling by reducing the amount of glazing. Excerpts of both the approved elevation plans for the dwelling and the proposed elevations are included below for reference in this regard.

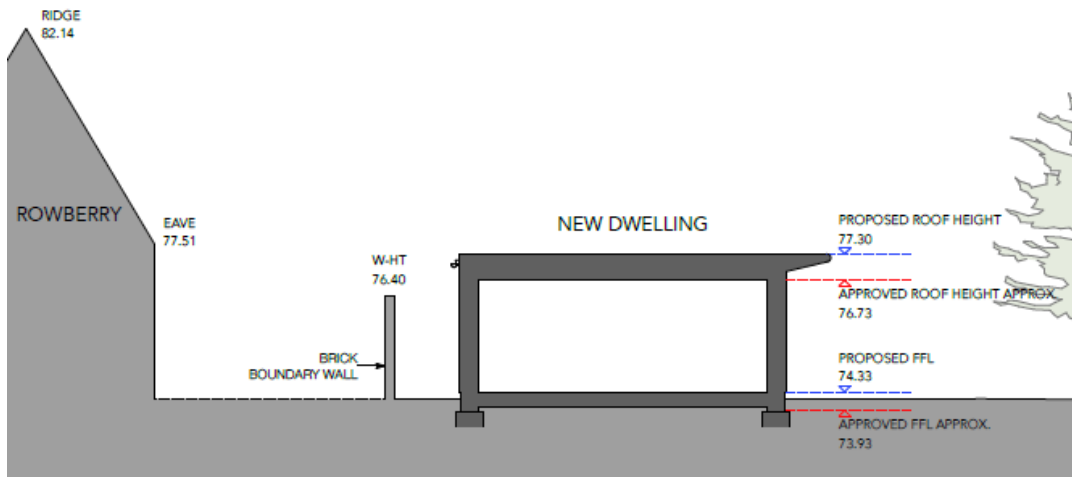


Elevations of dwelling as approved



Elevations of dwelling as proposed

- 6.50 The proposed alterations to the proposed dwellinghouse are not considered to diminish the quality of the development, with it continuing to retain the modern and sleek design vernacular that it had when originally approved. The red outline on the above plan shows the nature of the alterations to the roofline and whilst the roof would be slightly higher, the strong horizontal emphasis of the building would plainly be retained. The design is still regarded as being of a good quality with it being considered to raise the design quality in the area, as per paragraph 131 of the framework. The amendment to the outbuilding to raise the roof by approximately 20 centimetres is considered to be non-material and very minor in nature, with it not altering the overall appearance of the subservient outbuilding. The addition of the plant room is equally minor and wouldn't be discernible given the overall built form of the dwelling and its location to the rear. In the terms of paragraph 130 of the framework, the quality of the design will not be diminished by these alterations to the design.
- 6.51 Ensuring that existing and future residents have a high standard of amenity is an important consideration. The site of the dwelling is adjoined to the east by the existing dwelling (Rowberry), which it should be noted does not run parallel to the boundary wall of the site, with the southern gable of the dwelling being closer to the boundary wall than the northern end of the dwelling (see site plan for reference). The south-western corner of Rowberry would be approximately 3 metres from the approved dwelling (at its closest point).



*Section plan as submitted showing the approved and proposed heights of the dwelling (figures shown are in metres above datum) and the adjoining dwelling - Rowberry*

- 6.52 The height of the roof of the dwelling would increase by approximately 0.57m (as shown above) and due consideration is given to the amenity of the adjoining dwelling which enjoys a private amenity space to the west of the house adjoining the application site. For context one is referred to the site photos below.



*Site photo looking towards the adjoin dwelling - Rowberry*





Site photos in the garden of Rowberry, showing the east boundary wall of the application site (in red brick).

- 6.53 Whilst the proposal does increase the roof height of the dwelling, it is a mono-pitched roof and not a dual pitched roof and it is separated from the adjoining dwelling by a walkway to the rear of the approved dwelling and then a brick boundary wall. Due to the separation distances and the flat roofed nature of the roof, officers do not consider that the amendments would result in overshadowing, overbearing or an undue impact on the amenity of the adjoining dwelling.
- 6.54 It should be noted at this juncture that views from a dwellinghouse or private piece of land are generally considered to be a private interest, which does not form a material planning consideration as the planning process is concerned with land use in the public interest.
- 6.55 The application does include the addition of two roof lights to the dwelling and one to the outbuilding, these would be over the respective shower-rooms / en-suites. The roof-lights are not considered to give rise to any amenity or privacy concerns.
- 6.56 In considering the impact on amenity from the proposed plant room, it is considered that the location of the plant room, in the north east corner of the site would not give rise to any noise or nuisance concerns given the separation distances from neighbouring dwellings.
- 6.57 It follows that in terms of design, appearance and amenity the proposal is considered to be acceptable and accords with the provisions of the development plan in this regard, including policies SD1, LD1, LD4, SS6 and RA2 of the Core Strategy, policies BL1 & BL3 of the NDP and paragraph 130 of the framework.

#### Habitat Regulations Assessment

- 6.58 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017 ('Habitats Regs.' henceforth). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.



## *Policy context*

- 6.59 The Core Strategy requires under policy SD4 that development should not undermine the achievement of water quality targets for rivers within the county, in particular with the treatment of wastewater. Further the Core Strategy at policy LD2 sets out that development proposals should conserve, restore and enhance biodiversity; explicitly development that is likely to harm sites and species of European importance will not be permitted. This is reflected in the framework at paragraph 177, in that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a SAC, unless an appropriate assessment has concludes the proposal will not adverse effect the integrity of the habitats site. Further paragraph 11 d) i. (when read with footnote 6) of the framework includes adverse effects to habitat sites as clear reason for refusing development proposals, with there being no need to undertake the pre-weighted test of d) ii (i.e. any harm significantly and demonstrably outweighing the benefits of the proposal).

## *HRA Process*

- 6.60 Under the Habitats Directive (which is transposed into UK legislation in the Habitat Regs.), Herefordshire Council (as the 'competent authority') has a statutory duty to assess if a proposal is likely to have "a significant effect" whether in combination or alone, this must take place before granting planning permission (or any consent, permission, other authorisation, including any variation or modification to the consent or permission (i.e. section 73 applications, discharge of conditions & non-material amendments), Regulation 61, Habitat Regs.). This initial assessment is known as the 'screening stage' which considers if there is a possibility of a 'likely significant effect' on the integrity of the SAC, this considers both the effect of the proposal and the in-combination effect; this is considered to be a notably low threshold which acts as a trigger, (thus ruling out only cases where there is no doubt or no real risk of significant effects). At the screening stage the proposal must be considered without regard to any mitigation, any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site, these may only be considered as part of an appropriate assessment. Any proposal that has the mere possibility of a 'likely significant effect' (LSE) on the integrity of the SAC triggers an 'Appropriate Assessment' of the proposal.
- 6.61 Once an 'Appropriate Assessment' (AA) has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' using the 'best scientific knowledge in the field' that the proposal will not adversely affect the integrity of the SAC, this assessment should utilise 'best scientific knowledge in the field' as well as considering mitigation and in-combination effects.
- 6.62 The AA must consider the implications on the European site in view of the site's conservation objectives; in cases where there is considered to be an effect on a site but it will not undermine the conservation objectives, the proposal cannot be considered to have a LSE on the European site; as the procedures are designed to maintain designated habitats and species 'at a favourable conservation status'. However if the European site's conservation status is not considered to be favourable, then the proposal must 'maintain' / 'restore' the condition and not worsen it, (as clarified by Ouseley J at para 26 in Royal Society for the Protection of Birds and Lydd Airport Action Group v Secretary of State [2014] Env. L.R. 30) thus after mitigation any effect is considered to impact the integrity of the site and the assessment can not demonstrate there are no LSE on the SAC.

- 6.63 The AA is considered to be a pre-weighted test, with the onus being on the proposal to demonstrate no LSE; thus if doubt remains when using the 'best scientific knowledge in the field' as to the absence of adverse effects, the proposal fails to satisfy the AA and consent must be refused. For the purposes of an appropriate assessment the competent authority must consult Natural England (the 'appropriate nature conservation body') and have regard to any representations they make, as per Sec 63 (3) of the Habitat Regs.
- 6.64 For proposals that are considered to result in an adverse LSE on the SAC at the AA stage and where there are no alternative solutions, the only provision for consenting to the proposal is where there is shown to be a 'Imperative Reason of Overriding Public Interest' (IROPI henceforth). The IROPI must relate to human health, public safety or beneficial consequences of primary importance to the environment, these may be of social or economic nature; however IROPI is not considered to be applicable in this instance due to the diminutive scale and thus benefits of the proposal; with IROPI generally being reserved for projects such as nuclear power stations or wind turbines. Thus if a proposal fails to satisfy an appropriate assessment, the proposal is not considered to be permissible. Ultimately if a proposal passes the IROPI stage, only then may any off-setting be considered in the assessment of the project and not before.

#### *Screening Stage*

- 6.65 The applications are for alterations to the design and other incidental aspects of the approved dwellinghouse, with the alterations not amending or increasing the drainage characteristics of the approved development (either in terms of the drainage arrangements or the foul water generation from the dwelling, as the number of bedrooms remains the same); thus as the design of a roof or the size or quantum of window openings would not have any material effect on the drainage consequences of erecting the dwelling it cannot possibly result in a likely significant effect upon the SAC. Based on advice received by the LPA in relation to 'Section 73' applications, in cases such as this, if an application is made under Section 73 to carry out development without requiring compliance with a condition which has nothing whatsoever to do with drainage or any sort of discharge of water, then it cannot possibly result in an effect upon the SAC (as relates to the current Phosphate considerations) and can be considered as 'screened out' from requiring any further HRA considerations or requiring an appropriate assessment.
- 6.66 In policy terms the applications are considered to accord with policy LD2 of the Core Strategy and the provisions of paragraph 177 are not triggered in this instance, with the presumption in-favour of sustainable development still applying.

#### Other Matters

- 6.67 The application is considered to remain acceptable in highway terms, as noted by the comments from the highways engineer, thus according with policy MT1 of the Core Strategy and the provisions of the NDP.
- 6.68 The landscaping and tree retention details have previously been considered and agreed by the Local Planning Authority and whilst details are included on the site plan, there is not considered to be a change in this regard. The proposal is considered to be acceptable in terms of policy LD1 and LD2 of the Core Strategy and the policies of the NDP including BL1.

- 6.69 It should be noted that regardless of the emotions that can be aroused by aspects of development taking place without planning permission, the decision maker must approach a retrospective application seeking to legitimise a development that has already (partially or otherwise) taken place in exactly the same way as a 'normal' application for proposed development. Thus the fact that a development is retrospective, partially retrospective or entirely prospective; is not in itself a material consideration for the determination of an application.

#### Conditions

- 6.70 In relation to application reference 201757 which is made under Section 73 of the TCPA, this type of application are commonly said to be seeking to vary or remove conditions to which an existing permission is subject. However, that is not strictly the case. If such applications succeed, a completely new permission is created that stands alongside the original and the applicant is able to choose which is implemented, this has become evident through case law on the matter. Lord Carnworth held in Supreme Court (in Lambeth LBC v SSHCLG [2019] UKSC 33) that it is strongly desirable for all of the conditions of previous consent(s) to be restated to ensure clarity in the reading of the decision without the need to refer back to previous decisions in the future in a common sense manner.
- 6.71 It is noted that the more recent consent (ref: 170440) only imposed two conditions, with one referencing the original consent (ref: 160398). In light of the Lambeth judgment officers have reinstated all the relevant conditions having regard to the original consent, policy changes and material considerations. Given that Section 73(2)(a) TCPA allows for variations to be granted subject to conditions differing from those subject to which the previous permission was granted; in this way the Council may impose the condition that it feels meets the six tests set out under paragraph 55 of the framework. Conditions must be; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It is noted that the development plan policies for the area have changed since the original grant of planning permission, notably with the NDP being made and so any policies that require additional conditions for compliance under that aspect of the development plan are considered to meet the test of being reasonable.
- 6.72 The application site is noted to be within the historic curtilage of a listed building and whilst it is a new build dwelling with the framework being clear that restrictions to permitted development rights should be not be used unless there is clear justification. In this case officers consider that it is necessary and justified to remove domestic permitted development rights given the sensitive location of the site given the heritage assets in the locale and this is included as a condition accordingly. Further the visibility splays previously denoted on the approved scheme were never secured for implementation by way of a planning condition, accordingly a condition is recommended. In other respects conditions attached hereto have been framed to have regard to the details already approved and discharged pursuant to the extant approvals.

#### Planning Balance and Conclusions

- 6.73 The NPPF has at its heart a presumption in favour of sustainable development which is echoed in Core Strategy policy SS1. Sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting

6.74 Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, with decisions planning any active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.75 Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met.

- i. the application of policies in this Framework that protect areas or assets of particular importance 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.

6.76 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. Given the conclusions of the above appraisal, none are considered to apply in this instance.

6.77 It follows that in terms of the Section 73 application to vary the condition of the planning permission, the proposal is considered to accord with the provisions of the development plan which benefits from the statutory presumption in its favour, however the Council is unable to demonstrate a five year housing land supply and so the policies most relevant for determining the application must be considered to be out-of-date. In this regard they are considered to be policies SD1, LD1, LD4 and SS6 of the Core Strategy and policies

BL1, BL3 & BL7 of the NDP; with paragraph 14 not considered to be applicable in this instance due to the NDP being over two years old. However the above mentioned policies are considered to be highly consistent with the provisions of the framework and so officers still attribute significant weight to the policies (as per paragraph 213 of the framework). In the tilted balance that follows in presumption in favour of the development, no harm has been identified above and so the proposal is considered to be acceptable in the terms of the framework and the development plan.

- 6.78 Turning to the Listed Building Consent application, special regard has been given to the preservation and conservation heritage assets; the representations received and consultation responses from the Building Conservation Officer, with no harm being identified. It follows that the tests of chapter 12 of the framework (paragraphs 195 and 196) are not applicable as no harm has been identified and the application is considered to be acceptable subject to conditions.
- 6.79 Accordingly both applications are recommended for approval subject to conditions, as outlined below.

## **RECOMMENDATION**

**That planning permission (201757) and listed building consent (201758) be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers.**

### **201757**

**That planning permission be granted subject to the following conditions:**

- 1. The development shall be carried out strictly in accordance with the approved plans and documents:**
  - **Location Plan – E001 Rev A**
  - **Existing Site Plan – E003 Rev A**
  - **Proposed Site Plan – P003 Rev C**
  - **Proposed Floor Plan – P100 Rev C**
  - **Proposed Roof Plan – P101**
  - **Proposed Elevations – P200 Rev E**
  - **Proposed Site Sections – P010 Rev D**
  - **Proposed Canopy Details – P400**
  - **Proposed Glass House Floor Plan – P110 Rev A**
  - **Proposed Glass House Roof Plan – P111 Rev A**
  - **Proposed Glass House Elevations – P210 Rev A**
  - **Proposed Glass House Door Details – P501**
  - **Proposed Glass House Roof Details – P502**
  - **Proposed Glass House Window Details – P500**
  - **Discharge of Conditions letter dated 23rd August 2016 – Ref 160390 and associated details.**

**except where otherwise stipulated by conditions attached to this permission.**

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **2. Efficient use of water**

Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

**Reason:** To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

The soft and hard landscaping as detailed on drawing number P003 Rev C shall be completed prior to the first occupation of the development hereby permitted. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy, Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.

## **3. Landscaping Implementation**

The soft and hard landscaping as detailed on drawing number P003 Rev C shall be completed prior to the first occupation of the development hereby permitted. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **4. Visibility splays**

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4m metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 26 metres to the south and 33 metres to the north along the nearside edge of the adjoining carriageway (Lumber Lane). Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy BL12 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.

## **5. Removal of Permitted Development Rights**

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise



be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

**Reason:** In order to protect the character and amenity of the locality, to maintain the amenities of adjoining properties, to preserve the setting of nearby heritage assets and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy BL1 & policy BL7 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.

**6. Works in accordance with approved tree protection details**

All construction works on site shall be undertaken in accordance with the previously approved measures (as per the discharge of conditions letter dated 23rd August 2016 – Ref 160390 and associated details), to prevent damage to those trees/hedgerows that are to be retained. In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.

**7. Reinstatement of Glass House**

Prior to the first occupation of the dwellinghouse hereby approved, the glasshouse (as identified on drawing number P003 Rev C); shall be rebuilt in its entirety and photographic evidence submitted to and agreed in writing by the Local Planning Authority, the building shall be maintain as such henceforth.

**Reason:** To ensure the glasshouse is re-instated and maintained to preserve heritage assets and their setting, to accord with policy LD4, LD1 & SS6 of the Herefordshire Local Plan – Core Strategy 2011-2031, policy BL7 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.

**8. Setback for gates**

Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

**Reason:** In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy BL12 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.

**9. Parking details**

The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details on Drawing Number P003 Rev C.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy BL12 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.

## **10. Cycle Storage**

**Within 8 weeks of the first occupation of the development hereby approved a scheme for the provision of secure cycle parking within the curtilage of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use within a time scale to be agreed with the local planning authority.**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.**

## **11. Construction working hours**

**During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

## **12. Drainage matters**

**All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority**

**Reason: For clarity and in order to comply with Conservation of Habitats and Species Regulations (2017), Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4, Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan and the provision of the National Planning Policy Framework.**

### **Informative:**

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

## **201758**

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

- 1. CE7 – Time limit for implementation**
- 2. C07 –**

- Location Plan – E001 Rev A
- Existing Site Plan – E003 Rev A
- Proposed Site Plan – P003 Rev C
- Proposed Floor Plan – P100 Rev C
- Proposed Roof Plan – P101
- Proposed Elevations – P200 Rev E
- Proposed Site Sections – P010 Rev D
- Proposed Canopy Details – P400
- Proposed Glass House Floor Plan – P110 Rev A
- Proposed Glass House Roof Plan – P111 Rev A
- Proposed Glass House Elevations – P210 Rev A
- Proposed Glass House Door Details – P501
- Proposed Glass House Roof Details – P502
- Proposed Glass House Window Details – P500
- Discharge of Conditions letter dated 23rd August 2016 – Ref 160390 and associated details.

3. No works in relation to any of the features specified below shall commence until a sample panel of all new facing brickwork is provided on site at a minimum size of 1m x 1m and showing the proposed –

**Glass House:**

**Brick type, size, colour, texture, bond pattern, mortar mix, joint thickness and finish profile.**

**Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly.**

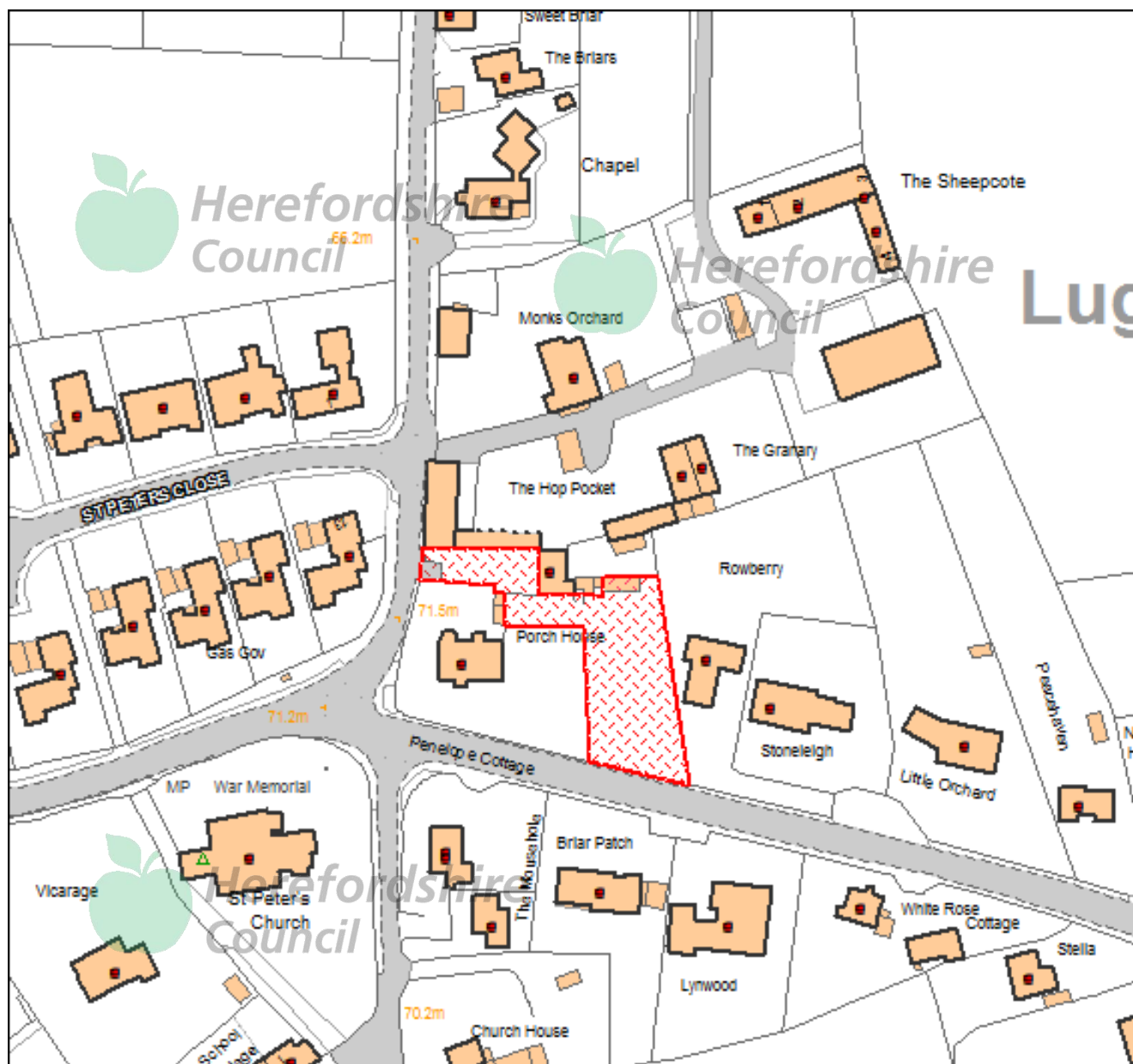
**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policy BL7 of the Bartestree with Lugwardine Neighbourhood Development Plan and the National Planning Policy Framework.**

Decision: .....

Notes: .....

## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 201757 & 201758

**SITE ADDRESS :** LAND ADJACENT TO COACH HOUSE, LUMBER LANE, LUGWARDINE, HEREFORDSHIRE

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