

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 JANUARY 2021
TITLE OF REPORT:	200662 - CHANGE OF USE OF FORMER METHODIST CHAPEL TO A4 WINE BAR WITH FOOD FACILITY, ALSO MANAGERS FLAT AT METHODIST CHURCH, 145 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BP For: Mr Etheridge per Mrs Mandy Rutsch, Forest Villa, Chapel Walk, Edge End, Coleford, GL16 7EP
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200662&search-term=200662
Reason Application submitted to Committee – Re-direction	

Date Received: 25 February 2020
Expiry Date: 5 May 2020

Ward: Ledbury North

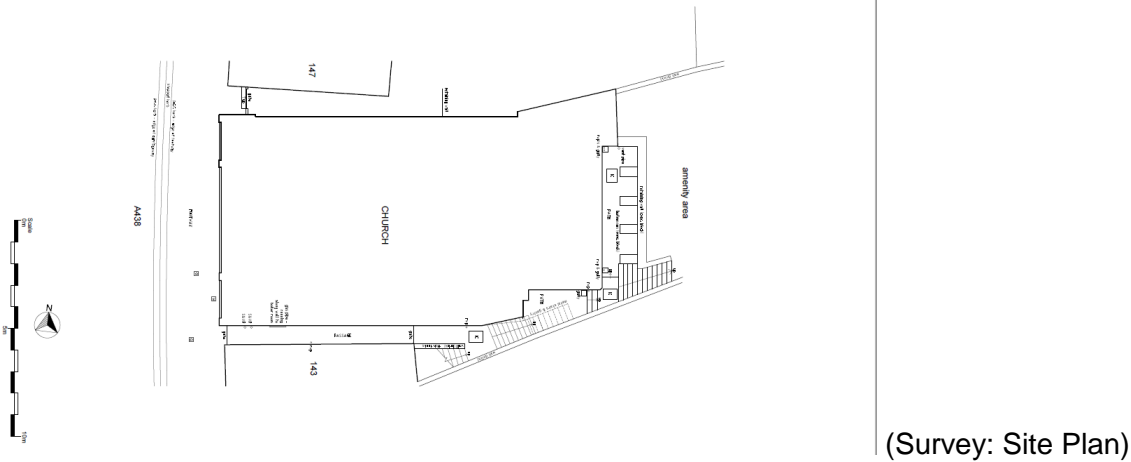
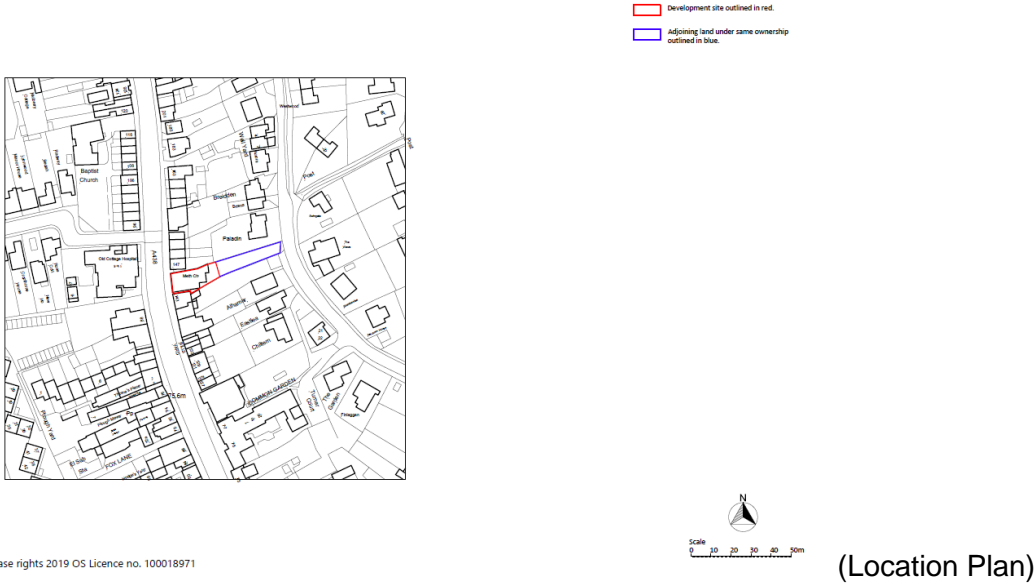
Grid Ref: 370990,238000

Local Member: Councillor Liz Harvey

1. Site Description and Proposal

- 1.1 The application site comprises a currently closed Wesleyan Methodist Chapel, located towards the northern end of Ledbury Town Centre. The building (145 The Homend), is located on the eastern side of the main town centre thoroughfare, and is part of a well-established built form. The building dates to 1849, being re-fronted in 1884. During the 20th century, a porch enclosing the area between the two towers was added.
- 1.2 The building is of architectural merit, comprised of facing brick with glazed elements over three storeys, although some of the glazed elements are currently boarded up to protect the interior, particularly noticeable at street level. Aside from some replacement modern windows and the porch, the building has altered little since construction. There is a parcel of land to the rear (east), which rises sharply eastwards towards a pedestrian gate located off Homend Crescent. Whilst detached, it is perceived as part of the terrace of properties in this part of the town.
- 1.3 Visitors gain access from the main entrance on The Homend, with a side gate that also allows access to the rear. Whilst there is no vehicular access, visitors use public car parks in the vicinity of town or time-restricted on-street parking. Given its location, users can also arrive on foot or public transport, either from Ledbury Train Station or a Bus Stop located adjacent to the junction with Belle Orchard, immediately north of site.
- 1.4 The building lies within the Ledbury Conservation Area (noting the land to the east is outside but adjacent to the conservation area), in which a large proportion of the town centre is within, including a multitude of listed buildings, many of which are adjacent to the site. The building under consideration is not a designated heritage asset but makes a positive contribution to the townscape. Indeed, The Homend, as well as High Street, further south, provides an important visual, as well as socio-economic contribution, to Ledbury and Herefordshire.

1.5 This application seeks planning permission for the proposed change of use of the Methodist Chapel to a wine bar (drinking establishment) with expanded food provision, under use class A4 at the first and second floor, with a managers flat in the basement. Officers refer to the existing and proposed plans deposited with the application below:

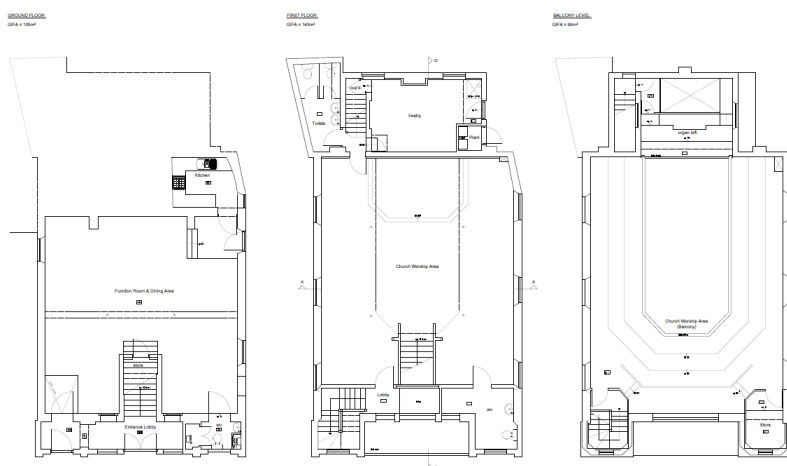




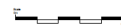
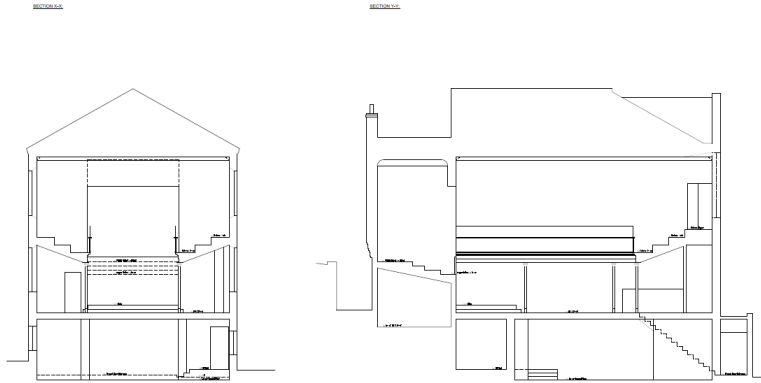
(Existing Elevations 1)



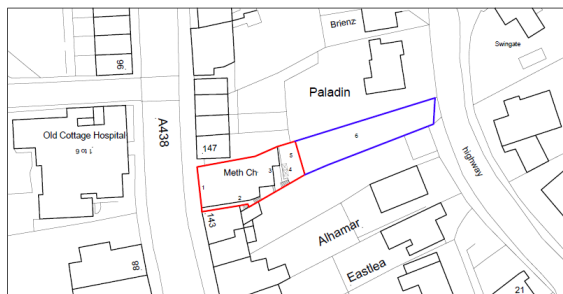
(Existing Elevations 2)



(Existing Floor Plans)



(Existing Sections)



- LEG:
- 1. Public Entrance (GP level)
 - 2. Entrance to Staff Accommodation (GP level)
 - 3. Rear Entrance (GP level)
 - 4. Parking & Ramping - on storage area
 - 5. Access area
 - 6. Adjacent land under applicants ownership



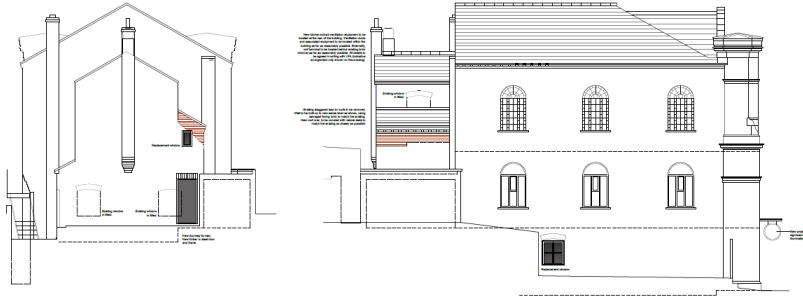
(Block Plan Proposed)



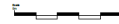
(Elevations Proposed 1)

SECTION 1

SECTION 2



NOTE:
1. All elevations are shown in black lines on a white background.
2. The elevations are shown in the same scale as the floor plans.

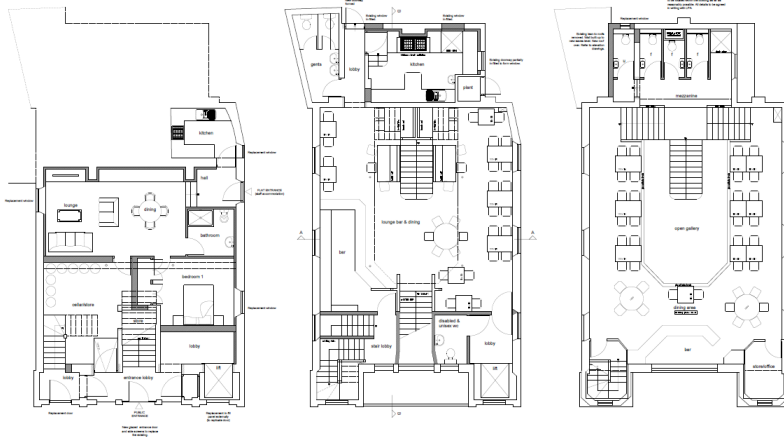


(Elevations Proposed 2)

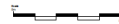
GROUND FLOOR

FIRST FLOOR

SECOND FLOOR



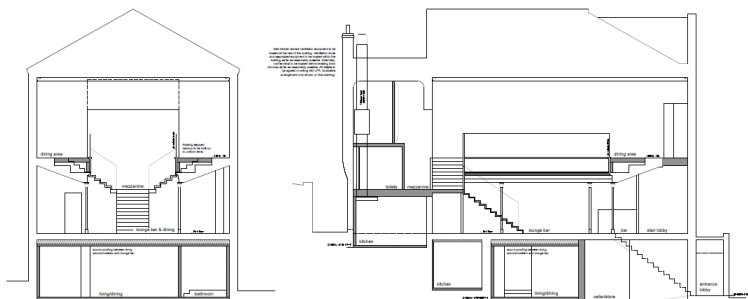
NOTE:
1. All floor plans are shown in black lines on a white background.
2. The floor plans are shown in the same scale as the elevations.



(Floor Plans Proposed)

SECTION 3

SECTION 4



(Sections as Proposed)

- 1.6 Drainage arrangements are unaltered with an existing foul water connection and surface water to the mains.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 (adopted October 2015)

SS1 – Presumption in favour of sustainable development
SS4 – Movement and transportation
SS6 – Environmental quality and local distinctiveness
SS7 – Addressing climate change
LB1 – Development in Ledbury
RA6 – Rural economy
SC1 – Social and community facilities
MT1 – Traffic management, highway safety and promoting active travel
E1 – Employment provision
E5 – Town centres
E6 – Primary shopping areas and secondary shopping frontages
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 – Waste water treatment and river water quality

The Herefordshire Local Plan – Core Strategy policies together with relevant supplementary planning documentation can be viewed on the Council's website using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Ledbury Neighbourhood Development Plan (NDP) (made on 11 January 2019)

The Ledbury Neighbourhood Development Plan was made on 11 January 2019. The policies within the Plan are afforded full weight, in line with paragraph 48 of the NPPF and form part of the Development Plan. Officers consider the following policies are applicable to this application:

SD1.1 – Ledbury as a Self-Sustaining Community
EE3.1 – Retail Areas & Provision
BE1.1 – Design

The Ledbury NDP, together with relevant supplementary planning documentation is viewable on the Council's website through the following link:-

<https://www.herefordshire.gov.uk/directory-record/3074/ledbury-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF – revised February 2019)

The revised NPPF sets out the UK government's planning policies and how these are expected to be applied. Officers view the following sections are applicable to this application:

1 – Introduction
2 – Achieving sustainable development
4 – Decision-making
6 – Delivering a strong, competitive economy
8 – Promoting healthy and safe communities
9 – Promoting sustainable transport
11 – Making effective use of land
12 – Achieving well-designed places
14 – Meeting the challenge of climate change, flooding and coastal change
15 – Conserving and enhancing the natural environment
16 – Conserving and enhancing the historic environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:

2.4 **Planning Practice Guidance (PPG)**

PPG categories have been revised and updated to make it accessible and should be read in conjunction with the NPPF. PPG can be accessed at the following link:
<https://www.gov.uk/government/collections/planning-practice-guidance>

3. **Planning History**

3.1 None

4. **Consultation Summary**
Statutory Consultations

4.1 **Severn Trent – No objection:**

“With Reference to the above planning application the company’s observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied”.

4.2 **Ancient Monuments Society – No objections:**

“We appreciate that this building is not listed but it is prominent and a key player in the Conservation Area. The use being proposed is an excellent one. It works with the grain of the interior and retains the key elements, particularly the galleries. It also places a premium on public access and a high standard of maintenance. We can accept and welcome it in principle. However we would like to offer the following observations, the first of which is perhaps aimed at the applicants and their understanding of the building:

1. The Design and Access Statement refers to the building as being “early 20th century”. It is in fact much more interesting than that – indeed had not the pulpit been taken out and the front entrance not so changed, it might be a tentative candidate for listing. The interior, including the gallery seating dates from 1849. The very animated front elevation is 1884. We hope that its history, both social and architectural, can be exploited in the marketing of the restaurant.

2. We appreciate that as an unlisted building Herefordshire’s ability to control the physical works to the interior is very limited. Even so, might we put in a plea for the some greater retention of the very attractive woodwork in the galleries. The pews, pew backs and swanneck dividers are all of 1849 and whilst we appreciate the wish to take out the rake is it possible to reuse the backs and swanneck dividers? I fear that the immediate future for restaurants and wine bars will rest with introducing more physical dividers, the better to achieve social distancing. Reuse of this 1849 woodwork could help to achieve that, especially as painted surfaces are easier to wash down.”

Internal Council Consultations

4.3 **Transportation – No objections/ condition recommended:**

“It is noted that this conversion is unlikely to generate a significant increase in the amount of trips associated to the building. The comments in the design and access statement set out the accessible location of the site. The use of the surrounding car parks are appropriate for customers to the site and there are also sufficient public transport options within an acceptable distance. The proposal should include cycle parking for both the staff and the managers flat that will be required by the use of a bar so that they may make sustainable choices around travel to the venue. In order to deliver this it is recommended that condition CB2 is applied in the event permission is granted. There are no highways objections to the proposals, subject to the condition suggested above being applied.”

4.4 **Ecology – No objections:**

“No objections”

4.5 Environmental Health (Noise) – No objections/conditions recommended:

"My comments are with regard to potential noise and nuisance issues that might arise from development. The proposal is for a wine bar/restaurant. In principle, our department has no objection to the change of use subject to the following conditions:

- The use of the premises by members of the public shall cease between the hours of 23:00 and 08:00 Monday to Saturday and 22:00 and 08:00 on Sundays and Bank Holidays.*
- Except in the event of emergencies, members of the public shall access and leave the premises only from The Homend.*
- There shall be no music outside in the rear yard area.*
- Prior to the use of the building, a Noise Management Plan shall be submitted to the local authority for approval in writing. This shall include but not be restricted to control of noise inside and outside the premises and a communication strategy with neighbours.*
- Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31"*

4.6 Environmental Health (Contaminated Land) – No objections:

"I refer to the above application and would make the following comments in relation to contaminated land and human health issues. Given what's proposed, I've no comments to make".

4.7 Building Conservation Officer – No objections:

"No Objection to the change of use but as the site lies within a conservation area, a separate application will be needed to approve the proposed signage, if illuminated"

4.8 Economic Development – No response

5. Representations

5.1 Ledbury Town Council – Objection:

"Ledbury Town Object to this planning application on the grounds that it is in a residential area which is likely to impacted upon in respect of noise and the impact on traffic and parking conditions in the immediate and surrounding area."

5.2 The remaining representations are made by any interested party not formally consulted, but wishes to make representation as a result of the application being publicised in either the press and/or erected site notice. In this instance, 11 letters of representation have been made, all by residents of Ledbury. This is broken down as follows:

10 letters of objection, raising the following material considerations.

- Loss of privacy;
- Increased noise levels;
- Increased traffic;
- Waste arrangements;
- Sufficient establishments already;
- Increased opening hours;
- Lack of consideration of disability being able to access second floor

The remaining 1 letter supports this application, raising the following material planning consideration:

- Increased choice and variety of establishments in town

All consultation responses, plans and supporting documents can be viewed on the Council's website by the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200662&search-term=200662

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

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

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

6. Officer's Appraisal

Policy context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration, as well as further supplementary guidance within Planning Practice Guidance (PPG). It is also noted that the site falls within the Ledbury Neighbourhood Area, which has a Neighbourhood Development Plan (Ledbury NDP), made on 11 January 2019. Paragraph 30 of the NPPF sets out that once a NDP has been made, the policies it contains take precedence over existing non-strategic policies in the Core Strategy, where they conflict.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the NPPF 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 CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was taken in 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.

Assessment

Principle of Development

- 6.4 In respect of the change of use, a place of worship is identified as a social and community facility, under paragraph 5.1.33 of the CS. Policy SC1 of the CS applies in respect of considering whether the retention of the building as a social/community facility has been evidentially justified. The policy states existing facilities shall be retained, unless an appropriate alternative facility is available, or can be demonstrated that the facility no longer viable or fit for purpose; and, where appropriate, it has been marketed for community use without success. Viable alternatives must be equivalent in terms of size, quality and accessibility.
- 6.5 Until August 2019, the building had been used by Ledbury Methodist Church, who have vacated the premises and use a viable alternative at Burgage Hall, Church Lane, Ledbury. This is approximately a 5-minute walk south of the application site, closer to the town centre. Officers note the premises has been marketed for an 18-month period between early 2018 and mid 2019, to purchase 145 The Homend for community use. Officers have had sight of marketing details, including sales particulars, by the applicant's agent and are of the view that the premises has been marketed for a sufficient period, this being at least 12 months for community use. The proposal accords with Policy SC1.
- 6.6 To ascertain whether the proposed use is acceptable in principle, members will note the site is located on the secondary shopping frontage within the made Ledbury Neighbourhood Development Plan, which extends to just after the junction for Belle Orchard, to the north, whilst to the south sees the continuation of the secondary frontage and subsequently, primary shopping frontage. This is evidenced below (145 The Homend is denoted by black star):



(Map of Shopping Frontages from Ledbury NDP – 145 The Homend is identified by black star)

- 6.7 In terms of adjoining land uses, the area hereabouts is a mixture of commercial and residential uses, which traditionally forms a secondary shopping frontage. CS Policy E6 (Primary shopping areas and primary and secondary shopping frontages) identifies that the retail trading character of the primary shopping areas and primary and secondary shopping frontages will be protected and enhanced. Proposals for use classes A2-A5 in ground floor premises in primary and secondary shopping frontages will not be encouraged if the proposal results in a continuous frontage of more than two non-retail units; and the overall proportion of non-retail uses exceeds 50%. Exceptions include where it is demonstrated that an alternative is appropriate within a made NDP. Accordingly, officers draw attention to Policy EE3.1 (retail areas & provision) of the Ledbury NDP which outlines how the NDP wishes to promote Ledbury Town Centre as a destination of choice for retail, leisure and community activities, in order to enhance the appearance and historic character of Ledbury. The policy states,

“To preserve the current character, the change of use of A1 (Shops,) A3 (Restaurants & Cafes) or A4 (Drinking Establishments) to other use classes in the primary shopping area will not be supported. New A1, A3 and A4 provision will be supported within the primary and secondary shopping areas. New A2 (Financial & Professional Services) and A5 (Hot Food Takeaways) will not be supported within the primary shopping area, but will be encouraged within the secondary shopping area. New town centre development of this area will be expected to retain or enhance the existing provision of parking spaces.” (Policy EE3.1 of the Ledbury NDP, page 32)

- 6.8 Members will note the NDP supports a change of use to class A4 within the secondary shopping frontage, subject to highway considerations, particularly parking, as the policy would dictate. The principle of development would be accepted.
- 6.9 CS Policy LB1 (Development in Ledbury) states that in relation to changes of use and indeed, new development proposals, they shall be encouraged where they maintain and enhance the vitality and viability of the town centre; improve accessibility and reflect and enhance the characteristic built historic elements of Ledbury. CS Policy RA6 (Rural economy) states that employment generating proposals which help diversify the rural economy will be supported where development is at a scale which is commensurate with location and setting; does not cause unacceptable adverse impacts to amenity of nearby residents; does not generate traffic movements which cannot be safely accommodated within the local road network and does not undermine achievement of water quality targets, in accordance with CS Policies SD3 and SD4. Therefore, it is necessary to review the other material considerations, before concluding whether the proposal is acceptable, when considering it against the development plan, taken as a whole.

Design/Townscape

6.10 Externally, the following changes are proposed:

- At the front (west) elevation, a new fully glazed entrance door and side screen to replace the existing 20th century porch, to be a textured rendered and painted/self-coloured finish to existing brick pillars at entrance porch; new fascia and illuminated signboard above entrance porch, to replace existing (note – sign lettering shown is indicative only); replacement timber doors and glazed light above; new projecting signboard with illumination (note – sign lettering shown also indicative only);
- At the side (south) elevation, the only changes will see two replacement windows and an existing doorway to be partially in-filled to form a window whilst all other existing windows retained and painted white;
- At the side (north) elevation, a ground floor replacement window is proposed and a second storey window in-filled, as well as the introduction of a new kitchen ventilation system (discussed in residential amenity section below);
- Finally, at the rear (east) elevation, a replacement window is proposed at the first floor, two existing windows at the ground floor will be in-filled and a new doorway will be formed of timber/steel door and frame.

6.11 Officers consider the design alterations acceptable. Attention is drawn to the illuminated signage proposed by way of a new fascia and signboard above the entrance. It should be made clear that a separate advertisement consent (Informative 2 in the recommendation) would need to be submitted to display signage.

6.12 CS policy LD1 (Landscape and townscape) criteria require new development to consider design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas; conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including conservation areas. Policy SD1 (Sustainable design and energy efficiency) requires that development proposals are designed to maintain local distinctiveness through incorporating local detailing and materials and respecting scale, height, proportions and massing of surrounding development. Both are reinforced by Policy BE1.1 of the Ledbury NDP. Your officers view is that the proposed alterations will conserve and offer a modest enhancement to the townscape. Those alterations that are proposed are also minor improvements to the entrance, a replacement rear door and a side window plus modest signage, subject to advertisement consent, in keeping with that used on other premises in the vicinity. Therefore, it is contended that the proposal accords with the relevant design policies of Policies SD1, LD1 and LB1 of the CS, which is consistent with Section 12 of the NPPF and Policy BE1.1 of the made Ledbury NDP.

Residential Amenity

6.13 NPPF paragraph 180 states decisions should ensure development is appropriate for its location, accounting for likely effects (including cumulative) of pollution on health, living conditions and the natural environment, as well as potential sensitivity of the site or the wider area to impacts that could arise from development. In doing so they should mitigate and reduce these to a minimum and avoid noise giving rise to significant adverse impacts on health and quality of life. Policy SD1 of the CS makes clear that development should safeguard levels of residential amenity.

6.14 Before considering amenity impacts from noise (aural amenity) and light (visual), the spatial layout of the site and its locale needs consideration, particularly that of nearby receptors. 145 The Homend is adjacent to residential properties to both the north and east of site, the latter on Homend Terrace via a pedestrian gate. The extant use of site, as a place of worship, when compared to a proposed wine bar with managers flat, will certainly represent a material increase in the use and activities at this site.

- 6.15 The Council's Environmental Health Officer has reviewed the submission, from a noise and nuisance perspective, including details of a new kitchen ventilation system, required to facilitate the change of use. The consultee, who officers afford significant weight to, raises no objection following submission of additional details, although this is subject to the following conditions:
- *"The use of the premises by members of the public shall cease between the hours of 23:00 and 08:00 Monday to Saturday and 22:00 and 08:00 on Sundays and Bank Holidays.*
 - *Except in the event of emergencies, members of the public shall access and leave the premises only from The Homend.*
 - *There shall be no music outside in the rear yard area.*
 - *Prior to the use of the building, a Noise Management Plan shall be submitted to the local authority for approval in writing. This shall include but not be restricted to control of noise inside and outside the premises and a communication strategy with neighbours"*
- 6.16 This is in the interests of residential amenity and future occupiers adjacent to the application site, which officers concur is reasonable and necessary. Indeed, officers appreciate that many of the objections cite the proposed use of the site. However, the Council's licensing authority are responsible for ensuring that activities do not cause a statutory nuisance and there is a distinct difference between amenity and nuisance. The Council's Environmental Health department has powers to investigate and take action against alleged statutory nuisances.
- 6.17 It is acknowledged that the majority of activities will be inside the premises, with no tables serving food/drink outside. Exterior activities will only be a smoking area to the rear and a storage point for waste/recycling. It is reasonable to consider whether the use of planning conditions to secure control over the areas where potential aural producing activities may take place and the implications this has, is of long-term benefit.
- 6.18 Members will acknowledge a proposed condition, relating to opening hours (Condition 11). A noise management plan will also need to be submitted, should this application be approved, to provide additional mitigation for nearby residential receptors (Condition 6). Additionally, a condition is recommended to restrict hours of deliveries once the site operates (Condition 12).
- 6.19 In assessing the impacts of development on nearby residential amenity and land uses, in officers view the conditions recommended in the consultation response by Environmental Health meet the six tests set out in PPG and can be implemented with regard to this proposal. Officers have afforded significant weighting to the views of the technical consultee and also accounting for cumulative impacts, in line with paragraph 180 of the NPPF and Policy SD1 of the CS.
- 6.20 The manager's flat at the basement is to be occupied by a staff member in conjunction with the wine bar and a condition will be recommended to ensure it is not sold, leased or let separately from the enterprise (Condition 15). This offers further assurance that the flat cannot be occupied by anyone not in conjunction with the wine bar business, that would otherwise be susceptible to aural and visual amenity concerns above.
- 6.21 In relation to aural and visual amenity, there are opportunities for concerns to be mitigated to an appropriate degree. Indeed, it must be considered there are a vast number of public houses or facilities of a similar nature across Herefordshire, which are located in amongst and adjoining residential areas. Indeed, similar premises often have external areas and tables where further activities including socialising take place, which form a greater impact on residential amenity.
- 6.22 Additional restrictive conditions are sufficient in your officers and Environmental Health's opinion for the development to not result in adverse harm to residential amenity, which would otherwise attract grounds for withholding planning permission. Furthermore, it is presumed that the site would operate efficiently and as designed in line with paragraph 180 of the NPPF. By mitigating and reducing to a minimum potential adverse impacts resulting from noise, these would not amount to significant adverse impact on health and the quality of life, and it is officers view that

the proposal accords with Policies SD1, LB1 and RA6 of the CS, which is consistent with Paragraph 180 of the NPPF and Policy BE1.1 of the made Ledbury NDP.

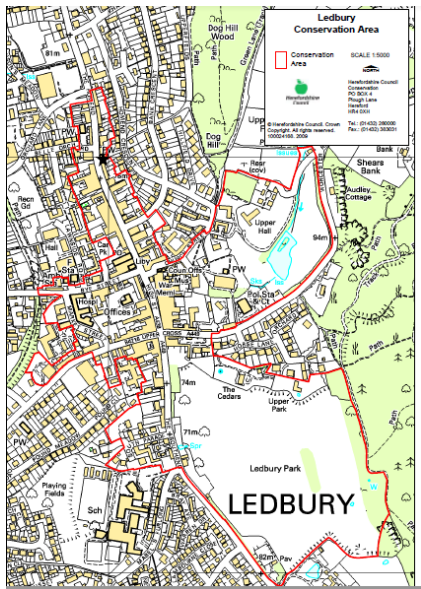
Highways/Transportation

- 6.23 In respect of highways, Policy EE3.1 of the Ledbury NDP, identifies that new development needs to take account of retaining and/or enhancing parking provision. CS Policy MT1 (Traffic management, highway safety and promoting active travel) states development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport.
- 6.24 The extant use of site is important. When operating a place of worship and in the absence of any vehicular access, parking was previously secured by way of time-restricted on-street parking, public car parks within Ledbury, walking or public transport. The proposed arrangements will not alter. The main entrance is accessed by pedestrians from The Homend and this will also not change. Visitors and staff have the opportunity to use public car parks in the vicinity of town and, given its location, it would be more than expected that many users are likely to arrive on foot or public transport.
- 6.25 CS Policy SS4 (Movement and transportation) identifies that new development should be designed and/or located to minimise impacts on the transport network and should be accessible by a genuine choice of modes of travel. Given the capacity of the premises and compared to its extant use, the Transportation Manager concludes the proposal is unlikely to generate a significant increase in the amount of trips associated with the building. Indeed, the use of the car parks are appropriate for customers to the site and the variety of active modes of travel is plentiful.
- 6.26 The Transportation Manager identifies that the proposal will need to incorporate provision for cycle storage to encourage additional active modes of travel, thus enhancing infrastructure available. Accordingly, this is recommended as a condition to be secured prior to first occupation. Subject to this, there are no highways concerns with the proposal. It accords with Policies RA6, LB1 and MT1 of the CS, which are consistent with the NPPF, namely Section 9 (promoting sustainable transport) and the relevant aspects of Policies EE3.1 and SD1.1 of the Ledbury NDP. Importantly, officers do not feel that the proposal would contravene Paragraph 109, which explicitly states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Heritage

- 6.27 The LPA has a statutory duty to give due diligence to the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires decision makers to “*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.*” Section 72 identifies, with respect to land in a conservation area, that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”. CS Policy LD4 (Historic environment and heritage assets) sets out that development proposals affecting heritage assets and the wider historic environment should protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible. CS Policy SS6 (Environmental quality and local distinctiveness) describes that proposals should conserve and, where possible, enhance those environmental assets that contribute towards the county’s distinctiveness, in particular heritage assets. Principal policies relating to the historic environment and heritage assets are found in paragraphs 184 – 202 of the NPPF.

- 6.28 Officers are aware of the judgement of *Catesby Estates Ltd v Steer*, Secretary of State for Communities and Local Government v Steer - [2018] EWCA Civ 1697; specifically in relation to the effect of setting in that the judge in this case provided guidance in interpretation of the concept of “*setting*”, to include much more than visual impact. When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly, identifying those assets which may be affected and their significance. Secondly, those aspects of their setting which contribute to the significance are identified and finally, the impact of development upon this significance.
- 6.29 A view to or from a Heritage Asset does not necessarily mean a site is within that asset’s setting, this will depend upon whether that view contributes to the significance of that asset, be that whether it may be (non-)designated. The fundamental principle is whether or not a development affects the significance of a heritage asset, including aspects of its setting which contribute to significance.
- 6.30 The chapel is significant for the quality of its workmanship and materials and its aesthetic and architectural value as an attractive building of the period. The chapel has high communal value as the centre for Methodist worship in Ledbury for over 150 years. Its layout is evidence of the practices of the Methodist faith. The building is however not listed in its own right.
- 6.31 A number of heritage assets are in the vicinity of site, including:
- 147-151 The Homend (Grade II Listed)
 - 153 and 155 The Homend (Grade II Listed)
 - 157-163 The Homend (Grade II Listed)
 - 137 and 139 The Homend (Grade II Listed)
 - 133 and 135 The Homend (Grade II Listed)
 - Ledbury Conservation Area



- 6.32 In terms of impact upon heritage assets, the key test is the degree of harm to the assets' significance. Given the existing built forms and inter-visibility between the application site and heritage assets, the listed buildings' orientations and outlooks, officers do not consider the

proposals submitted would be deemed to cause harm to either the significance; experience or setting of any listed building, heritage asset or the Ledbury Conservation Area.

- 6.33 The Council's Building Conservation Officer's consultation response, to which officers have afforded significant weighting, raises no objection. Officers consider the scheme to accord with Policies LD4, LD1 and SS6 of the CS, which is consistent with Section 16 of the NPPF, in conserving designated heritage assets and the wider historic environment, and Policy BE1.1 of the Ledbury NDP.
- 6.34 The Council has exercised its right in regard to sections 66 and 72 of *'the Act'*, in that members give heed to heritage. Bringing the assessment of heritage together, both individually and cumulatively, the proposal is not considered to adversely affect or give rise to harm to (non-) designated heritage assets nor their setting, as they would be preserved in this instance. Officers consider there is no need to undertake the public interest test prescribed at paragraph 196 of the NPPF, as no harm has been identified. In respect of comments raised by the Building Conservation Officer in regards to illumination, this is discussed under design/townscape.

Ecology

- 6.35 CS Policy LD2 (Biodiversity and geodiversity) states proposals should conserve, restore and enhance biodiversity and geodiversity assets of Herefordshire. Members will acknowledge the Council's ecologist raises no objections. However, in order to secure net biodiversity gain, in line with Policy LD2 of the CS, which is consistent with the relevant paragraphs of the NPPF, and Policy SD1.1 of the Ledbury NDP, officers recommend a condition (Condition 10) to secure additional biodiversity enhancement.

Climate Change

- 6.36 CS Policy SS7 (Addressing climate change) states that proposals will be required to take measures which mitigate their impact on climate change. Policy SD1.1 of the Ledbury NDP (Ledbury as a Self-Sustaining Community) identifies that proposals which are aimed at developing Ledbury as self-reliant and environmentally sustainable, including proposals which promote a reduction in dependency on the private car and environmentally sustainable travel habits, is supported.
- 6.37 In considering the proposal, a huge amount of energy is already embodied in a building before occupation. This is relevant in policy terms because policy can support the replacement of buildings (which is unsustainable as one is demolishing a building just to replace it with a new one). There is a valid case to be made here for promoting the reuse of this building and resisting the demolition and replacement of it, as a matter of principle. This is typified by a vast proportion of carbon usage often being emitted in replacement buildings before they are occupied, usually during construction, and given that demolition of a building often results in the huge loss of the embodied carbon in building materials, plus generation of waste, the retention of the building is welcomed. In turn, this reduces loss of energy and is considered an acceptable choice of resources through utilising an existing building.
- 6.38 Notwithstanding the above, the proposal provides recycling and waste storage to the rear of the building and subject to condition, introduction of cycle storage. Due to the existing parameters and constraints of the building in the context of surrounding, aspects such as solar photovoltaic panels will not be feasible due to heritage constraints, although thermal improvements to the energy efficiency of the building by replacement windows provides a small, modest benefit to addressing climate change. In this guise, the proposal is considered to accord with Policies SS4, SS6, SS7 & SD1 of the CS and Policy SD1.1 of the Ledbury NDP, which is consistent with the NPPF and its sections on addressing climate change.

Other Considerations

- 6.39 In respect of waste arrangements, the applicant has confirmed the 'refuse and recycling' storage area is to be erected to the rear (east) of the premises, and will store waste prior to disposal. The applicant has confirmed that waste will be collected from Homend Terrace rather than from The Homend. A pedestrian walkway is intended to be created to do this.
- 6.40 In respect of comments raised by the Ancient Monuments Society, as the building is not listed, officers are unable to exercise control over the internal layout of the premises, although it would be in good faith of the applicant to consider retaining elements to explain the evolution, public understanding and previous use of the building for future experience. The applicant has confirmed to officers their intention to retain the organ for some understanding of site evolution.
- 6.41 The building proposes a lift to allow accessibility between street level and the first floor of the premises and a stair lift is currently in situ to allow access between street level and first floor, whilst the building was operating as a Methodist Chapel.
- 6.42 Loss of property value; neighbouring issues about damage to property and opposition to business competition are not material planning considerations. Each application is treated on its own merits and assessed against the development plan, taken as a whole.
- 6.43 Finally, for note, the Use Classes Order was updated on 1 September 2020. For any planning application submitted before this date, it is advised an application is assessed against the previous Use Classes Order. As Use Class A4 is proposed, the premises is proposed to be conditioned as this use (Condition 14). The manager's flat will be ancillary to the principal use of the premises as a drinking establishment with expanded food production, which is often similarly typical of public houses with associated staff accommodation.

Summary and Conclusion

- 6.44 The NPPF states that the purpose of the planning system is to contribute to achieving sustainable development. Achieving sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways at paragraph 8 (so opportunities can be taken to secure net gains across each objective):
- *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;*
 - *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*
 - *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 to climate change, including moving to a low carbon economy.*
- 6.45 These objectives should be delivered through preparation and implementation of plans and the application of the policies in the NPPF. They are not criteria against which every decision can or should be judged. Sustainable development is pursued positively, so at the heart of the NPPF is a presumption in favour of sustainable development. This does not change the statutory status of the development plan as the starting point for decision making. CS Policy SS1 is worded in line with the NPPF, and which has a positive approach to sustainable development.

6.46 Therefore turning to the three objectives of sustainable development:

Economic Objective

The economy helps support and strengthen the vitality and viability of commercial facilities of an appropriate type and scale. The operation of a successful business will also provide economic benefits as a local employer. With expected increased visitors, there is already associated increase in the level of disposable income in the local area with some commensurate growth in the demand for goods and services. The development will create employment locally (equivalent to 3 full time and 10 part time jobs), which represents a considerable benefit to the local economy, and particularly in light of current national trends. Approval of this application would allow for the creation of a new business to potentially prosper. On the basis of the scale and nature of the development, officers attach significant weight to these benefits noting the opportunities there are in such an area for such considerable inward investment.

Social Objective

There are clear social benefits associated with the provision of such facilities which will act as a meeting place, expediting social interactions and social cohesion locally and beyond. The NPPF highlights that accessible local services play an important role in supporting strong, vibrant and healthy communities. Subject to conditions, impact on the amenity of nearby residential receptors can be mitigated to an acceptable degree, with additional mitigation measures. The social objective is considered to be satisfied and officers attribute significant weight to the benefits in community terms, particularly to the support of sustainable communities, employment opportunities and a sense of place the development will secure and delivering the planned economic growth of the area.

Environmental Objective

The environmental objective requires consideration of how development contributes to protecting and enhancing the 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 climate change (low carbon economy). The proposal will continue to promote sustainable patterns of activity through providing facilities in a location which has excellent transport links, with no impact on heritage assets. The lack of incurred townscape harm and biodiversity harm, is neutral compared the existing situation. The retention of the existing building, will considerably reduce embodied carbon, which may otherwise have been dissipated through a new purpose-built building alongside wasted materials. In respect of the environmental objective, officers attribute significant weight to this and identify a lack of harm in the environmental sphere that would otherwise result in withholding planning permission.

- 6.47 It is considered this scheme delivers considerable economic and social benefits to the immediate local area and to the viability and vitality of Ledbury town centre, which the CS supports, including Policy E5 (Town centres) which identifies that town centres are a focus for commercial, retail, leisure, cultural and tourism uses. Proposals which contribute to the vitality and viability of a town centre are supported provided they do not adversely affect the primary function of the town centre as shopping destination and are of a scale and design appropriate to the size, role, character and heritage of the centre. Those relevant policies within the CS, are consistent with the relevant sections of the NPPF, to which significant weight should be afforded. No conflict has been found with the made Ledbury NDP, which encourages applications of this nature within the secondary shopping frontage.
- 6.48 The proposal as submitted provides a continued optimal reuse of an existing building in a town centre location whilst not impinging on any retail frontage or introducing adverse issues of highways, residential amenity, heritage or design and giving consideration for climate change.

- 6.49 Officers and consultees have identified no technical objections with the proposal when assessed against the development plan, taken as a whole, including the CS, which is consistent with the NPPF, and the made Ledbury NDP.
- 6.50 Through the ability to control relevant aspects of the proposal through suitably worded conditions, both prior to occupation and on-going compliance, the identified public benefits are considerable and in the absence of any identified harm with this application, it is your officers' view that planning permission be granted as set out in the recommendation below.

RECOMMENDATION

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

Standard Conditions

1. C01 (Time limit for commencement)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. C06 (Development in accordance with approved plans)

The development shall be carried out strictly in accordance with the approved plans, 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; Policy BE1.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

3. CBK (Restriction on hours during construction)

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; Policy BE1.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

None

Relevant Commencement

4. C13 (Samples of new external materials)

Prior to their installation, no further development shall take place until details or samples of any new materials to be used externally on the walls of the building, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy; Policy BE1.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Occupancy Conditions

5. CB2 (Provision of Secure Cycle Parking)

Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the building premises shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. CNS (Noise Management Plan)

Prior to first occupation, a noise management plan in relation to the use of the premises, shall be submitted to and approved in writing, by the Local Planning Authority. At a minimum, the submitted details shall include measures to control noise inside and outside of the premises whilst operating and a communication strategy with neighbours. The approved details shall be implemented and reviewed annually thereafter.

Reason: In the interests of residential amenity and to accord with Policies SD1 and RA6 of the Herefordshire Local Plan – Core Strategy; Policy EE3.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

7. C95 (Boundary Treatments)

No works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any additional boundary treatments to be erected. The boundary treatment shall be completed before first use of the development hereby approved. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy BE1.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework

8. CKJ (Mains Sewer Connection)

All foul and surface water shall discharge through a connection to the local mains sewer network, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to comply with the National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy Policies LD2, SD3 and SD4

9. CCA (Scheme of refuse storage (commercial))

Prior to the first occupation of the development hereby approved, a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy EE3.1; SD1.1 and the National Planning Policy Framework.

Compliance Conditions

10. CKR (Biodiversity net gain)

Within 3 months of completion of the approved works [evidence of the suitably placed installation within the site boundary of at least 2 bird nesting boxes for a site appropriate range of bird species; 2 bat roosting features and one hedgehog home, shall be supplied to the local authority for acknowledgement; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1 and LD2 and Policies SD1.1 and BE1.1 of the Ledbury Neighbourhood Development Plan.

11. C54 (Restriction on hours of opening)

The use hereby permitted shall not be open to customers outside the hours of 23:00 and 08:00 Monday to Saturday and 22:00 and 08:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of adjoining residential amenity in the locality and to comply with Policies RA6 and SD1 of the Herefordshire Local Plan – Core Strategy; Policies BE1.1 and EE3.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework

12. C53 (Restriction on hours of deliveries)

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policies RA6 and SD1 of the Herefordshire Local Plan – Core Strategy; Policy EE3.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

13. CNS (Public Access)

Except in the event of emergencies, all members of the public shall access and leave the premises from the main site entrance on The Homend.

Reason: To safeguard the amenities of the locality and to comply with Policies RA6 and SD1 of the Herefordshire Local Plan – Core Strategy; Policy EE3.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

14. C57 (Restriction of use)

The premises shall be used as a drinking establishment with expanded food provision, with managers flat ancillary to the premises, and for no other purpose (including any other purpose in Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policies RA6 and SD1 of the Herefordshire Local Plan – Core Strategy; Policy EE3.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

15. C64 (Restriction of Separate Sale)

The managers flat and the premises known as 145 The Homend shall not be sold, leased or let separately from each other.

Reason: In the interests of residential amenity, it would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policies RA6 and SD1 of Herefordshire Local Plan-Core Strategy; Policy EE3.1

of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

16. CBI (Time Restriction on Music)

In relation to the drinking establishment with expanded food provision use of the premises, no amplified or other music shall be played inside the premises outside the following times: 23:00 and 08:00 Monday to Saturday and 22:00 and 08:00 on Sundays and Bank Holidays. No amplified or other music shall be played within the external areas of the premises at any time.

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policies RA6 and SD1 of Herefordshire Local Plan – Core Strategy; Policy EE3.1 and the National Planning Policy Framework.

INFORMATIVES:

1. IP1 (Positive and Proactive Reason 1) – The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I22 (Advertisement Consent Required) – This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). A separate application may be required to be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.
3. I33 (Ecology General Informative) – The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000. The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.
4. I54 (Disabled Needs) – The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act
5. INS (Change of use only details required of any alterations) – This permission is for change of use only and detailed plans of any proposed alterations or additions to the premises, which may require planning permission, may subsequently require an application to be submitted to and approved by the local planning authority.

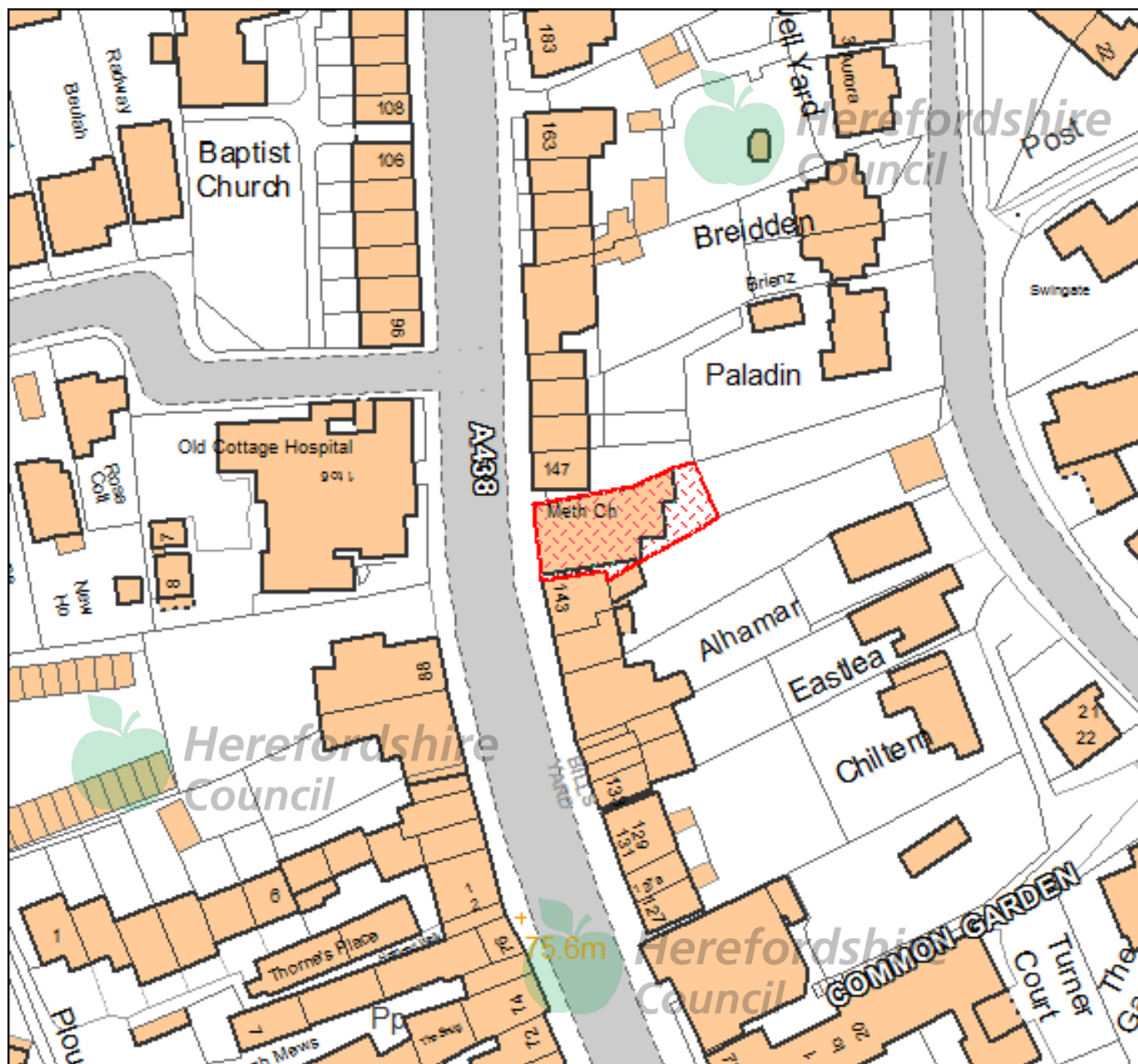
Decision:

Notes:

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 200662

SITE ADDRESS : METHODIST CHURCH, 145 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BP

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