

Supplement to the agenda for

Planning and regulatory committee

Wednesday 28 September 2022

10.00 am

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
0LE**

Schedule of updates

Public speakers

Pages

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PLANNING COMMITTEE

Date: 28 SEPTEMBER 2022

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

193042 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS), FOOTWAY/CYCLEWAY AND VEHICLE TURNING HEAD, STOPPING UP AND RE-ROUTING OF A SHORT SECTION OF GRAFTON LANE, NEAR THE A49, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS (AMENDED PLANS AND ADDITIONAL SUPPORTING AT LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ

For: Anderson per Mr Matthew Gray, Suite D, 1st Floor, 220 High Street, Swansea, SA1 1NW

ADDITIONAL REPRESENTATIONS

Mrs L Burgess by email

- 1) I note multiple documents have been uploaded to your website since 8 September 2020 as follows:-

- ☐ Addendum Design and Access Statement 3.12.21 4MB
- ☐ Climate Change Checklist Energy Statement and Analysis - 14.7.21 2MB
- ☐ Design & Access Addendum 20.04.21 6MB
- ☐ S278 Feasibility Drawings 9.4.21 1MB
- ☐ R Site Entrance Feasibility Report 9.4.21 2MB
- ☐ R Revised Sustainable Transport & Design Report Oct 2020 7MB

- 2) I also note the agent's email of 3 December 2021 re. documents for your website:

Hi Heather, I was reviewing our file and cross referencing with the information published to your website. I noted that the Revised Development Framework Plan published to your website is Revision E, however our records indicate a Revision G attached, which shows the alternative proposals for the closure of Grafton Lane. The attached DAS also includes this Revised Development Framework Plan at

I also noted that your Highway colleague's response refers to a plan referenced 2477-125-A. I could not see this on the website so also attach.

Have a good weekend.

Regards Rob Davies –

- 3) I also note that approximately 17 representations have been uploaded to your website since 8 September 2020.
- 4) Public Consultation
- a) May I please ask whether the public should receive a consultation period for any of the documents in 1) and 2) above please?
 - b) May I please ask whether the public should receive a consultation period for any of the approx. 17 representations uploaded to your website since 8 September 2020 please?

Thank-you for your letter notifying me re. the above application being considered on 28 September 2022.

The public consultation ended on the following date (copied and pasted from your website today):

Consultation end date Tuesday 8 September 2020

In July 2021, I read your case officer's update of 23 July 2021, as follows:

"From: Carlisle, Heather Sent: 23 July 2021 11:45

To: 'Rob Davies' <rdavies@asbriplanning.co.uk>

Subject: RE: Grafton Lane, Hereford -193042 case officer update 23/7

Good morning Rob,

Grafton Lane, Hereford - 193042 -Outline

As per my email to your colleague Matthew on the 20th April, I am awaiting receipt of the final archaeology report and as you have updates from Highways England on drainage and the SUDS scheme and outfall. *I have always maintained that once the updated archaeology and Highways England replies are received I would go out for a two week consultation. This still remains the case. As a case officer, I prefer not to drip feed information on major applications to local residents/councillors but wait for a meaningful Consultation. I would envisage this will be a 14 day consultation starting once the site notices are displayed....."

Consequently, I have been expecting another public consultation prior to this application being considered. Your letter re. the above application being considered on 28 September 2022, was thus completely unexpected. Would you kindly advise why this consultation, which you refer to above, did not take place please?

OFFICER COMMENTS

In respect to consultation. Local planning authorities must undertake a formal period of public consultation before making a decision on a planning application. Statutory notices ensure local residents are informed about applications that affect them and this was undertaken when the application was first validated and following the revised location plan (reduced plan). If an application has been amended it is up to the Local Planning Authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.

The proposed submitted site location plan drawing has not altered since the last period of consultation. The supporting framework plans which have been submitted are indicative and not including in approved drawings moving forward. Additional information which has been submitted included indicative drawings, amended reports to technical reports and primarily to advice of the reduced number of units and drawings which were part of the overall discussions with National Highway's. There will also be a further opportunity for local residents to make representation in any future reserved matters application when plans are no longer 'indicative' but form a part of a formal proposal

This is not a full application but Outline with access. It is noted that the complainant has put in numerous objections on various matters that have been very carefully considered before reaching a recommendation. Having regard to the issues already raised in representations officers considered that the updated plans and information did not make any material changes that would have required a further period of consultation before determination.

The application and As advised on the website, the local planning authority do take into account views received after the formal period for comments has closed and the case officer has considered all comments that have been received following the display of the initial site

notices. The delay to getting the application to planning committee was ongoing discussions with national Highways. Officers are confident that none of the interest parties have been prejudiced in any way.

Additional Representation:

National Highways are content with the amendments to ensure the conditions meet the required tests.

With regard to your condition 29, could ‘ *The approved works shall be implemented in full in accordance with the approved vegetation clearance scheme*’ be added to this condition.

Officer comments:

Condition 29

Original condition as per committee report:

Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

Revised wording for Condition 29:

Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width. The approved works shall be implemented in full in accordance with the approved vegetation clearance scheme.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

Officer comments:

Officers have sought further advice from the Local Highway Authority in regards to

Condition 23:

Original condition as per committee report:

Development shall not begin in relation to any of the specified highways works until details (of the works) have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the local highway authority. The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

Revised wording for Condition 23:

Development shall not begin in relation to any of the specified highways works until details of the works/Alterations to Grafton Lane have been submitted to and approved by the Local Planning Authority in writing .The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

CHANGE TO RECOMMENDATION

Amended conditions as recommended above.

214270 - PROPOSED SINGLE STOREY DWELLING ('PIPPIN GRANGE') AND ANCILLARY OUTBUILDINGS. TO INCLUDE RENEWABLE TECHNOLOGIES, REINSTATEMENT OF HERITAGE ORCHARD AND BIODIVERSITY ENHANCEMENTS AT LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE

For: Mr & Mrs Sharp per Miss Rebecca Jenkins, 4-5 High Town, Hereford, Herefordshire, HR1 2AA

ADDITIONAL REPRESENTATIONS

Following the Historic Building Officer's comments, the applicants have queried the status of Non-Designated Heritage Assets when referring to the buildings to the north of Haywood Lodge. The Historic Building Officer has provided the following rationale for his assessment:

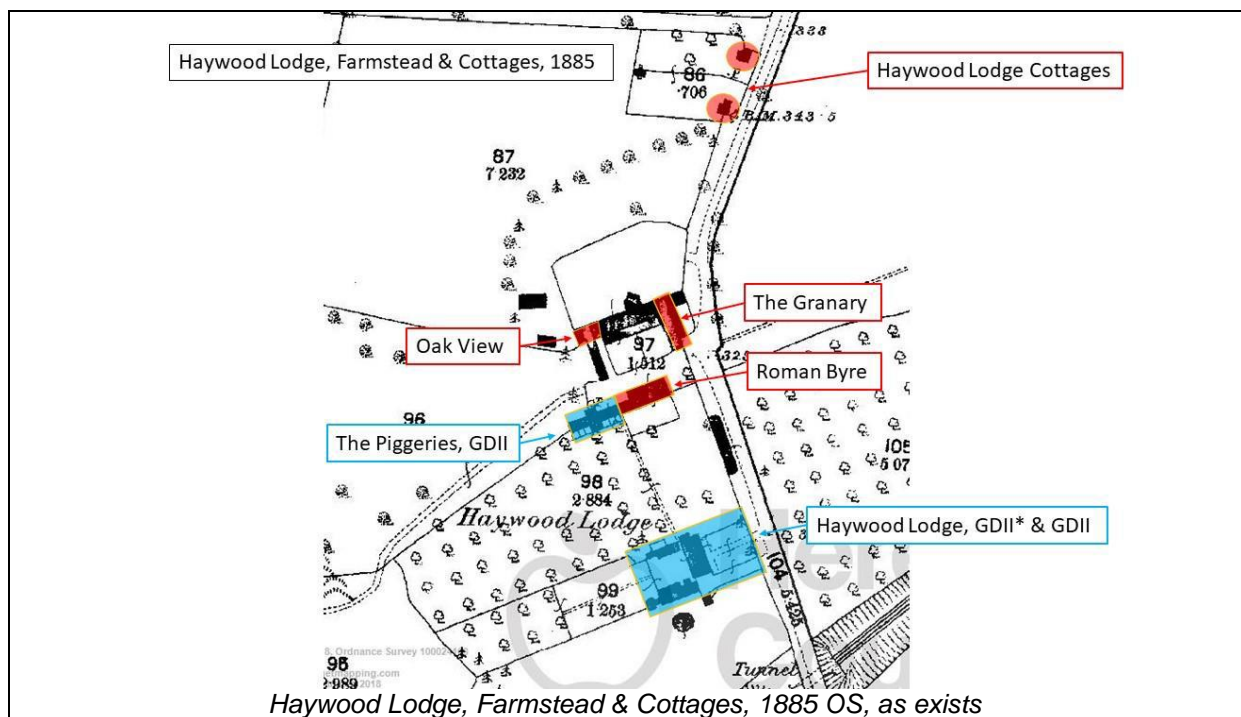
Non-Designated Heritage Assets adjacent to Haywood Lodge, Haywood Lane, Belmont

As part of an assessment of setting undertaken to provide heritage comments on a planning application for a new dwelling at land adjacent to Haywood Lodge (214270), a number of former agricultural structures, now dwellings, were identified as having sufficient merit and group value to be considered non-designated heritage assets (NDHA).

Paragraph 040 of Government's Historic Environment Guidance highlights the planning application decision-making process as being a legitimate opportunity to identify NDHA's.

At that point, and on the basis of sound evidence, established criteria set out by Historic England in their Local Listing guidance, and designation guidance notes are employed to evaluate suitability (designation guidance relates the assessment of buildings of national importance and is therefore a higher threshold).

The assessment is consistent with the identification process necessary for NDHAs to be registered on a formal Local List, which Local Authorities are responsible for compiling, rather than Historic England, who only assess statutory nominations.



With regards The Granary, Oak View, Roman Byre and Haywood Cottages, the relevant criteria included the age of the structures; their architectural value in relation to design detailing, material construction, craftsmanship, and distinctive characteristics which evidence their historic function; their group value, identifiable through shared design characteristics and historic associations; and their historic value, identifiable through shared experience, memory of place, and characteristics and functionality which contribute to local and regional identity.

The planning history for The Granary, Oak View and Roman Byre is somewhat complex, with a number of approvals being issued for different schemes over a four year period.

The Granary & Roman Byre:

Approvals were granted for the conversion of the Granary and Roman Byre on the 1st of February 1993 (SH921423PF & SH921424LA), and other more minor approvals for these properties followed on the 29th June 1993 (SH930587PF), and 21st September 1993 (SH931050PF); and for alterations to the listed Piggeries on 21st October 1993 (SH931181LA).

None of these interventions have resulted in changes which would be sufficient to alter the heritage merits of either property, and their architectural/group/historic value still remains clear.

1 & 2 Haywood Lodge Cottages:

No.'s 1 & 2 have been the subject of several planning applications for extension and alteration, particularly No.2, but, as with the Granary/Roman Byre, their values remain distinct and the additions have not impacted on their presence within the road-scene, and how the group is experienced from the northern approach.

A 2008 planning application (DCCE2008/2784/F) to extend No.2 was refused, but the officer's evaluation of the property stated the building was, *'an attractive and architecturally interesting dwelling, which remains largely unaltered sitting in a relatively prominent position adjacent to the road.'*

A revised scheme was approved the following year, and the officer concluded that the, *'key changes are sufficient to retain the visual dominance of the original dwelling from the front and side elevations and consequently, the impact of the scale of extensions on the character of the original dwelling is now acceptable.'*

Both cottages are modest gothic-revival in their architectural style, and this is expressed in the steeply pitched roofs and the lancet form of the dormers and doorways; additional

detailing, such as dog-tooth brickwork at eaves level and a stringcourse, ensure a commonality of form which also extends to the later additions.

Oak View:

In relation to Oak View, it has been claimed by the present owner, and the owner of Roman Byre, that the building was a completely new build construction, circa-1993, and that the former threshing barn and attached single-storey range at its south-western end were completely demolished prior to Oak View being built.

However, planning permission and listed building consent were granted for the conversion of the threshing barn into three units on the 26th September 1994 (SH941013PF & SH941014LA), and this did not include the demolition of any attached structures.

This was followed on the 22nd July 1996 (SH960703PF & SH960704LA) by new permissions granted for a kitchen extension and detached garage at unit 3 (Oak View), and a number of other variations to the 1994 approved scheme which related primarily to windows, doors, infilled openings and a balcony; this effectively superseded the 1994 approvals and appears to have been what was ultimately constructed.

A photograph of the site taken prior to any conversion works beginning clearly illustrates the threshing barn with a large lean-to structure at its south-eastern end, but with its formerly attached single-storey range having been demolished by this stage.



Haywood Farmstead c.1992-1993 – Threshing Barn with Lean-to & Granary behind

Further photographs were taken when the Granary conversion had been completed and they illustrate the south-eastern lean-to structure having been demolished, leaving the threshing barn as the sole structure which was to be converted under the 26th September 1994 approval.



Haywood Farmstead c. 1994 – Threshing Barn, Granary & Roman Byre

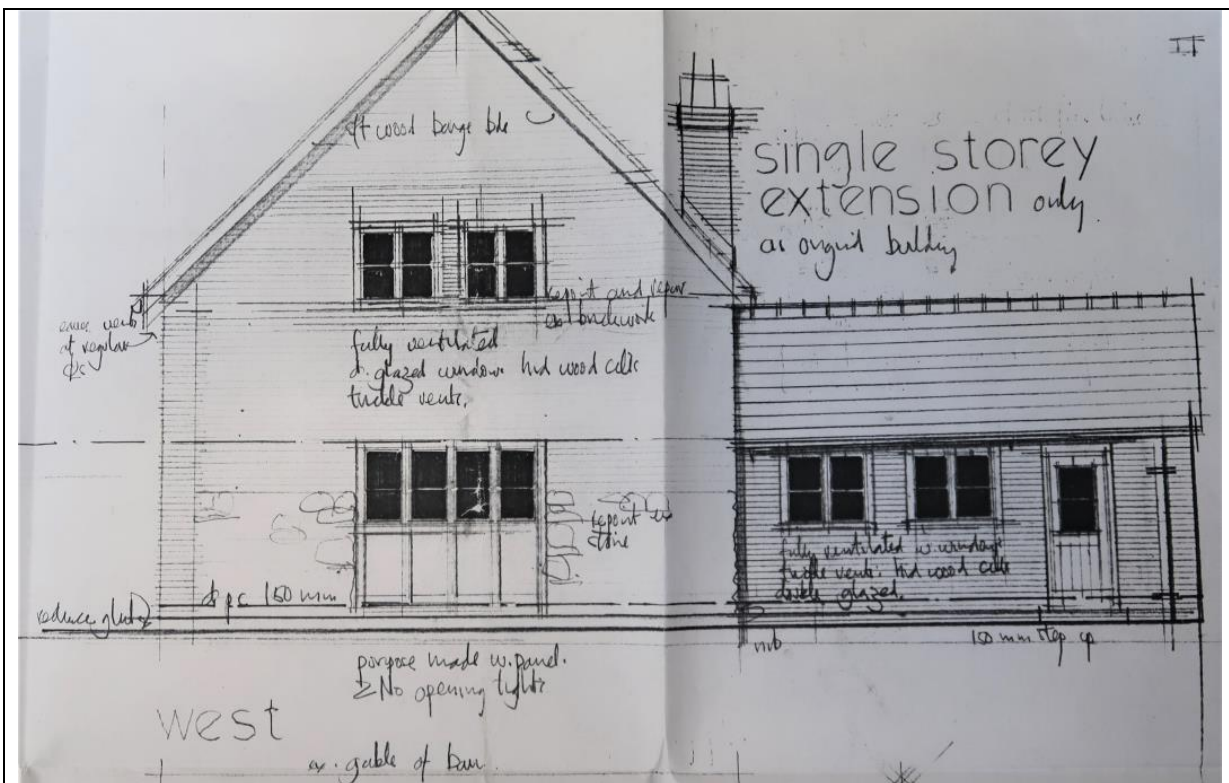


Haywood Farmstead c. 1994 – Threshing Barn, Granary & Boundary Walling

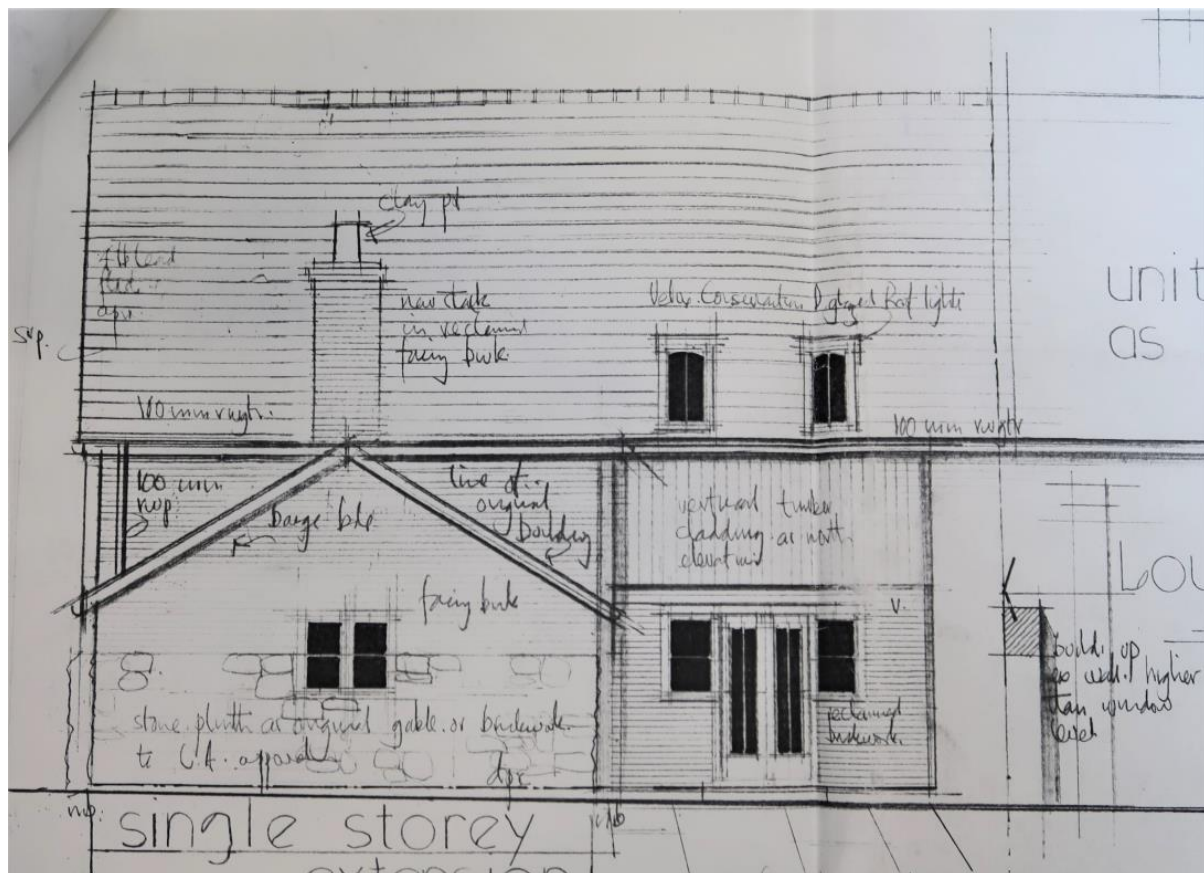
The owners of Oak View and Roman Byre have provided their interpretation of the building's timeline, but this does not accord with the evidence available within the planning records. The 1994 approval was for conversion of the threshing barn into three units, with the westernmost bay being a single two-storey unit, the former threshing bay functioning as vehicular access between both sides of the building, and the eastern bays of the barn accommodating the other two units.

By 1996 this was altered so that the western bay and threshing opening formed one unit (Unit 3), whilst approval was granted on the 19th of July 1996 (SH960631PF) for the eastern bays of the threshing barn to be demolished and a new double garage constructed in its place.

So the westernmost bay (Oak View) was retained in its entirety, converted, and then extended in 1996 with a single-storey kitchen extension.



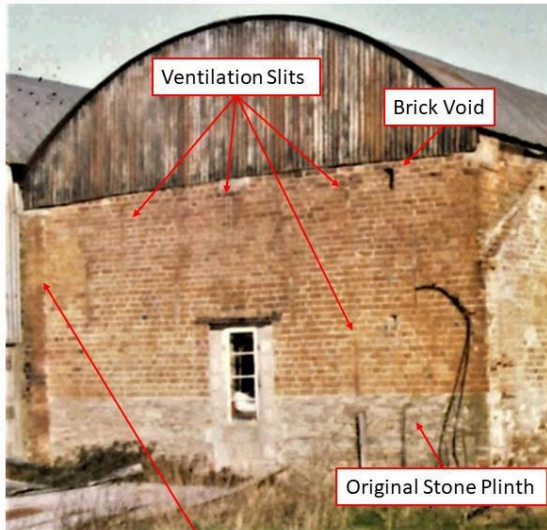
Oak View Conversion & Extension 1996 – note re-point & repair existing stone/brick annotation



Oak View Conversion & Extension 1996

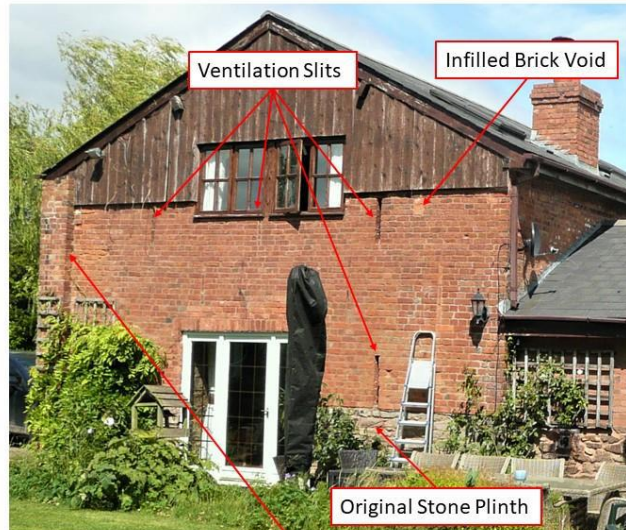
The earliest image clearly illustrates identifiable gable-end features which remain visible today, and in addition to the brickwork, these include a brickwork strip at the northern side, infilled ventilation slits, and a distinctive three-brick slot at wall plate level.

Threshing Barn Pre-Oak View Conversion, c.1993



Original Brickwork & Vertical Brick Pier

Threshing Barn Post-Oak View Conversion, 2022



Original Brickwork & Vertical Brick Pier



Whilst Oak View's heritage merits are less obviously expressed than those at The Granary or Roman Byre, the evidential features which remain clearly enable the structure to be read as part of a converted threshing barn, and as such, maintain its architectural/group/historic value.

The fact all three buildings have been subject to domestic conversion will not necessarily have any direct bearing on their heritage value, in the same way that listed agricultural buildings don't lose their statutory status as a result of being converted.

Conclusion:

Based on the heritage evaluation undertaken to determine the setting of Haywood Lodge the former farmstead buildings and farm cottages were identified as meriting NDHA status; the justification for this has been outlined above, and that assessment remains valid.

Planning History:

SH921423PF & SH921424LA - 1st of February 1993:

Permission was granted for the 'Change of use from obsolete farm buildings to form one detached & two semi-detached dwellings barns adjacent to Haywood Lodge, Haywood Lane, Belmont'.

This approval related to the properties now known as The Granary, and Roman Byre.

SH930587PF - 29th June 1993:

Permission was granted for amendments to aspects of the Roman Byre approval, including the addition of a gazebo structure.

SH931050PF - 21st September 1993:

Permission was granted for the addition of a 'Small Utility Room' to The Granary.

The Block Plan provided with this application illustrated the land within the ownership of the Granary at that time included the former threshing barn and stable block or loose box range attached to its south-western end.

SH931181LA - 21st October 1993:

Permission for 'Alterations for use of pig cotts as a studio'.

SH941013PF & SH941014LA - 26th September 1994:

Permission was granted for the 'Conversion/alterations to form 1 No 3 bed and 2 no 2 bed cottages barn adjacent to the granary'.

This permission related to the former threshing barn, but did not reference the attached stable/loose box structure, and the 'as existing' elevations did not indicate its presence, nor that of a large lean-to structure at the eastern end of the southern elevation (see photo).

However, they did illustrate the eastern end of the barn as being two-storey in height and clad with what appears to represent horizontal timber. Approval was granted for this end to be reduced to single storey proportions.

It would appear that the scheme was not executed as approved as the elevations bear no resemblance to in relation to openings.

It is interesting to note that a confirmatory letter dated 10th February 2008, from the Council Planning Department to Carver Jones Solicitors, Hereford, confirmed that none of the conditions attached to the approval had been discharged.

SH960417PF - 22nd May 1996:

Permission was refused for, 'Two-storey extension and double garage & revisions to Unit 3 the barn adjacent to the granary'.

SH960631PF - 19th July 1996:

Permission was granted for 'Part demolition of ex barn to form double garage' to be associated with The Granary.

SH960703PF & SH960704LA - 22nd July 1996:

Permission granted at Unit 3 the Barn for, 'Double garage and single storey extension to form kitchen'.

SH961399PF - 4th January 1997:

Permission granted at the Granary for 'Covering of 1 window to front east elevation'.

The applicants have provided a rebuttal to these comments as follows:

Dear Mr Withers,

Thank you very much for your email with a report attached from the Building Conservation Officer, we assume from Mr Rutledge.

We were sorry to see some of our comments in our 8th September email still have not been addressed. It would be helpful to have clarity on all the issues and we respectfully ask that an urgent independent review is undertaken as we refute the Building Conservation Officer's personal opinion that the group including Oak View, The Granary, Roman Byre and Haywood Cottages ('the group') should be listed as NDHAs. Please advise how and when this independent review will take place.

In the meantime, we would like comments on the following unresolved matters:

1. Whilst we appreciate an NDHA may be discovered during a planning application submission, it must be noted that Mr Rutledge and his colleagues in the Historic Building Conservation department have commented on many, many planning applications over the decades – including very recent applications – and yet have only now decided 'the group' has an historic interest. We ask once again, why the NDHA is warranted in 2022, when it has not ever been considered in any report in the past.

2. Since conversion in 1993, Roman Byre, for example, has had the following planning applications granted:

Two detached garages

A pagoda

Mounting of solar panels to Roman Byre and to the listed Piggery

An extension (for a third bedroom and ensuite) to Roman Byre

Change of use to holiday let (Piggery)

A new access

No mention was made of an NDHA in any of the applications (above) with the most recent, for the new access, granted in 2021. Mr Rutledge confirmed that he had visited the site (but admitted it was from the roadside only) and had allegedly considered the setting of properties from his car. At no time was an NDHA mentioned in this or any other report until his visit to Haywood Lodge in April 2022. We ask for clarity on this unexpected evaluation to label our properties as NDHAs when clearly the idea wasn't justified even as recently as two years before.

3. An Appeal Inspector visited Roman Byre under application number 191142 and ruled in the Decision of October 2020 that, 'Based on historic mapping, there would have been a distinction between the formal Lodge and the working farmstead'...'However, Haywood Lodge now functions as an independent dwelling and is physically separated by boundary treatments.' The Appeal Inspector went on to explain that common land features between the sites 'have been largely eroded', and as a consequence, the significance of any heritage assets 'is largely defined by their individual architectural value, along with the group value associated with those listed buildings and features within the grounds of Haywood Lodge.' In other words, the Inspector has already concluded that the heritage assets of Haywood Lodge are largely confined to the listings and features within the grounds of the Lodge and any relationship between Roman Byre, The Piggery, The Granary and the Cottages have been lost over time, due in most part to the domesticity and boundary treatments of the properties.

We respectfully ask why the Building Conservation Officer has ignored the conclusions of the Inspector who actually visited the site and considered the 'setting' in person and in great detail informed by his visit.

4. Government guidance on identifying NDHA's was updated in 2019 and the PPG and

NPPF were amended to remind local authorities that the **identification of an NDHA is a rarity** rather than a common occurrence. Further, we learn that if a NDHA has been identified, it should have sufficient justification and plausibility based on sound evidence. We understand the Building Conservation Officer's *very recent opinion* is that 'the group' of buildings evidence some historic function identifiable through shared design characteristics and historic associations. This is not borne out by the Inspector. Further, over time, the aforementioned buildings have their own identify (domestic residences with boundary treatments that separate one from the next).

Please see the photos attached of the buildings to understand there is no 'historic connection'.

- Roman Byre and The Piggery are stone-built single storey dwellings.
- The Granary is a red brick two storey building, extended in 1993 to double the roof area, re-clad in modern roof tiles.
- Oak View is a relatively new build cobbled together from just one existing wall of the threshing barn and parts of the other two with modern extensions added in 1996.
- Haywood Lodge Cottages are modest 'Gothic Revivals' with many extensions added (particularly to no.2 which has had *'numerous extensions in the past which have altered the appearance of the dwelling from a modest cottage to a larger property'* (2018 delegated report, page 3, P181586/FH).

We seek clarity on why the LPA Officer concludes that the 'relevant criteria' have been met when clearly there is **no group value, identifiable through shared design characteristics**

5. Further, aside from there being no shared design characteristics, any historic associations have been eroded over time. Boundary treatments, including the vast 40ft boundary hedges that surround Haywood Lodge, have severed any ties to the farmstead buildings.

6. The Church (who originally owned all the land) sold the agricultural land (including 'the group') in 1993. Haywood Lodge wasn't sold off until 1996. The Church therefore severed the ties between house and the farm and each plot has existed separately ever since.

7. See plan attached that evidences how much of the original functionality has been lost (in red) and additions (in yellow) to the domestic properties and light industrial additions which have altered how the setting of Haywood Lodge can be understood on the ground.

8. There are 3589 historic farmsteads recorded for the county; Haywood Farm is therefore not unique (Herefordshire Historic Farmsteads Characterisation Project Report (Stage 1 Baseline Mapping)). We wish to challenge the idea that just because a farm may have once been 'historic' it does not follow that each one should have an NDHA. If that were the case, there would be 3589 NDHAs for each historic farmstead. Please confirm if that is the case.

9. The LPA refer only to a 'Haywood Farmstead' and we are unclear which farm they mean. 'Haywood Farm' is located off Tram Inn Lane and although it too appears on The 2008 Farmstead Characterisation Project Register, it is still a working farm, also with listings, although as far as we can tell, without an NDHA.

When 'Haywood Lodge' and the surrounding buildings were sold off into plots (with the majority of original farm buildings demolished in 1993) a new 'Haywood Lodge Farm House' was built in 2001 with a new dominant access, roadside frontage and modern tarmac driveway that essentially severed the Granary from the Cottages (shown in red below).



Haywood Lodge



The new Haywood Lodge Farm House continued to work the surrounding fields that had been separated from Haywood Lodge in 1993 but, the land was further split between Haywood Lodge Farm and Broadmeadow Farm, thus the land and setting experienced great change in 1993 and again from 2001.

New, modern, light-industrial units, commercial warehouses and storage buildings were erected within the 'historic building group' (where the old agricultural buildings used to belong) and new gates, fences and boundaries have all but succeeded to erode any trace of an association with Haywood Lodge (see below the new Haywood Lodge Farm, driveway and commercial buildings within 'the group').



Vast road side frontage, access and driveway to the new Haywood Lodge Farm House and commercial buildings set in 'the group' separating The Granary from the Cottages and recalibrating the reading of the farmstead.



10. Lastly, there is the question of compensation. If we are unsuccessful in our challenge, the NDHA will affect our property in a way that will hamper any future development and may discourage any potential purchasers. Had we known of the NDHA eight years ago when we purchased Roman Byre, we may have thought twice about it. Certainly, the owners of Oak

View and No. 1 Haywood Lodge Cottages, who moved to the hamlet less than two years ago, have seen their properties de-value overnight. We ask what measures are in place to compensate the properties in this NDHA.

We look forward to your comments about these points together with information about an independent review of the NDHA allocation.

Yours sincerely,

Kate and Sandy Shar

Photos of 'the group' evidencing no 'shared design characteristics'.



Roman Byre and The Piggery



Oak View



1 Haywood Lodge Cottage



2 Haywood Lodge Cottage



3-4 Haywood Lodge Cottage



The Granary

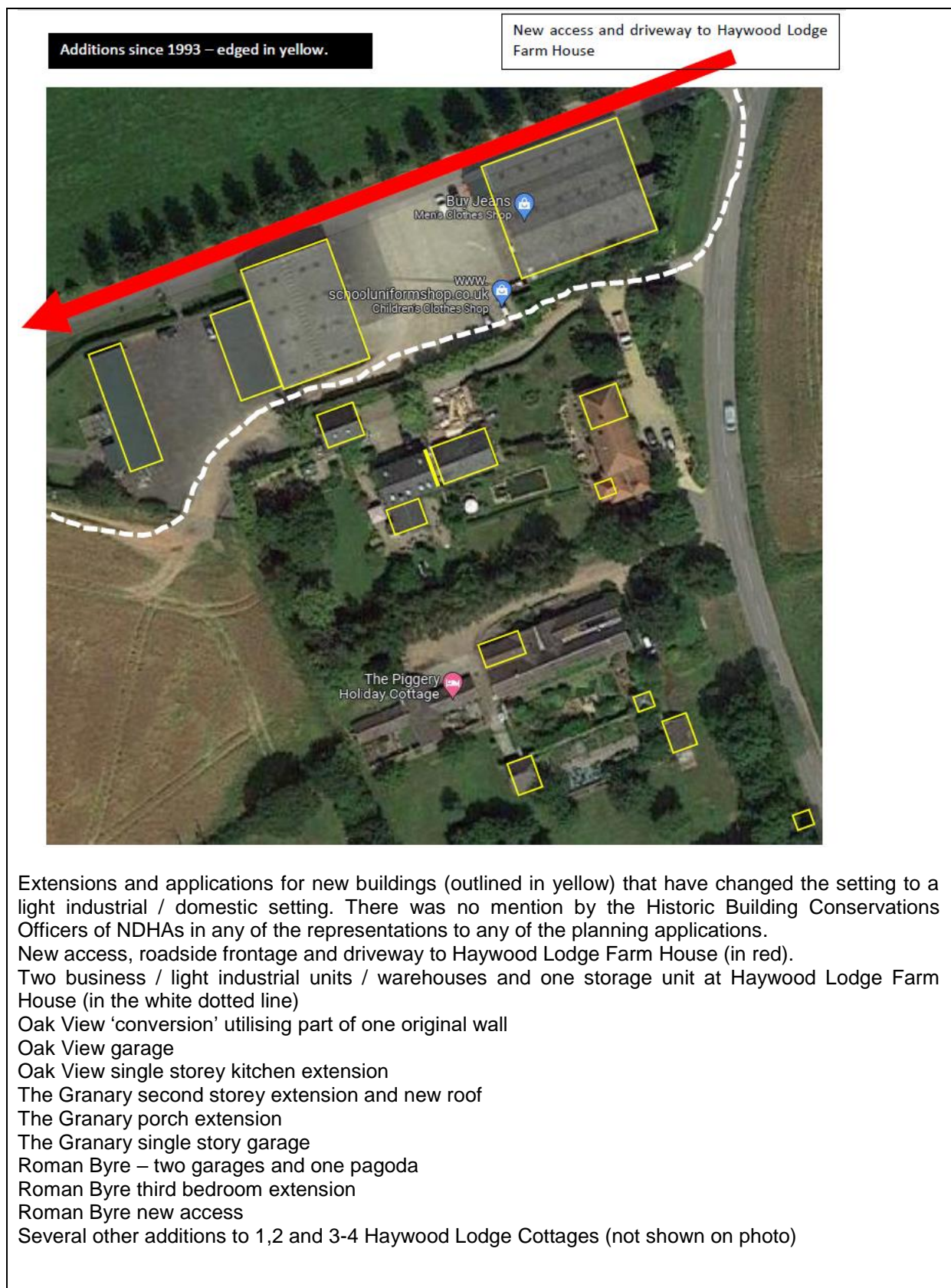
Plans Showing Changes

Original farmstead circa 1960



Buildings demolished since 1993 – in red.





In response to the recommendation (and specifically recommended refusal reason 2), the applicant has commissioned the submission of a revised plan which was received on 26 September 2022. The Council's drainage consultant has been contacted for further comments and a further update will be provided.

Further representation was received on 26 September 2022 stating the following:

"I am greatly in favour of eco builds and I support this application."

I have read that the parish council support this application too.

I note the parish councillors considered the effect of the eco-home on neighbouring properties and were comfortable its location should not have a negative impact on them.

Thank-you for considering my above supportive representation."

OFFICER COMMENTS

The comments have been taken into account, however Officer's consider that the advice provided by the Council's Building Conservation Officer with regard to nearby Non-Designated Heritage Assets is sound. Notwithstanding this and contrary to the view expressed by the applicant, it is considered that whether the cluster of buildings is considered a Non-Designated Heritage Asset or not, does not change the assessment of the scheme as laid out in the Officer's Report. Nor does it alleviate the impact identified on designated heritage assets and their settings as raised by Historic England and the Building Conservation Officer.

Furthermore, it is recognised that there is an error stating that the site is within Callow Parish, when it is within Haywood Parish. Again, this does not change the assessment of the scheme, both parishes being within the Haywood and Callow Neighbourhood Area and therefore sharing the same Neighbourhood Development Plan. Furthermore, it does not change the policy interpretation as laid out in paragraphs 6.5 to 6.15 of the Officer's Report, the site not being within the named settlements defined at paragraph 4.1.12 of the NDP.

In relation to the additional drainage information provided and particularly given the limited time available to secure technical advice, a change to the recommendation is advised.

The additional representation has been reviewed and are not considered to raise any new planning considerations which are not otherwise considered in the report.

CHANGE TO RECOMMENDATION

Prior to the issuing of any decision in relation to this application, and in order to enable receipt of updated technical advice if this is necessary, that the further comments of the land drainage consultant are received and that officers are authorised by the Scheme of Delegation to Officers to amend/remove refusal reason 2 based upon the updated advice

**214073 - 6 NO. DWELLINGS WITH GARAGES AT LAND
ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER,
HR6 9BU**

**For: Mr Staples per Mr John Needham, 22 Broad Street,
Ludlow, Shropshire, SY8 1NG**

ADDITIONAL REPRESENTATIONS

The following email was received from the applicant's agent at 12:53pm on 27 September 2022:

Having read your Officer's Report I find the reasons for refusal misleading and in some instances based on out of date information. I have set out below my comments on the

refusal reasons 1-5. You may consider, having read the comments below, that you might want to withdraw the application from the meeting tomorrow and reconsider your report.

Refusal Reason 1

1. The officer's report appears to be based on out of date information. It takes no account of the lengthy response from Corner Water Consulting Ltd. dated 13th July 2022. No response from the Council's engineer has been received or appeared on the website. To base the report on out of date information is highly misleading and unreasonable. All the officer's comments are based on knowingly out of date consultations.
2. Welsh Water's comments have been satisfied and agreed by the Environment Agency who have now recommended a Condition.
3. The Council now agree a drainage field cannot be gravity fed because it would put the drainage field in zone 3 land.
4. A management agreement will cover the maintenance of the pumps, treatment plant, drainage system and access arrangement and this agreement is not normally part of the planning process.
5. Pumping stations are approved and adopted by the Water Boards.
6. The foul drainage solution is in accordance with building Regulation Part H and BS6297. It also follows BRE 478 Drainage Mounds guidance.
7. Balfour Beatty, now the Council's drainage engineer, increased their opposition to pumping systems around May 2022, but have since returned to a position that reflects National Policy, i.e. pumping stations are not preferred, but are acceptable when required. The 14/6/2022 BBLP comments (made on 16/6/22) agree with this approach, i.e. BBLP Overall Comment – the pump station is a less sustainable solution, not that it must be removed.
8. All foul drainage does not need to be on communal land. We agree elements will require replacement in due course but the Management Agreement will cover access to carry this out.
9. There is no public foul drainage system in Eardisland. All properties in the village are on septic tanks or treatment plants with soakaways in the gardens.
10. As far as we are concerned all issues raised by the Council's own Engineer, Welsh Water and the Environment Agency have been overcome and there is no reason why drainage should be raised as an issue for refusal.

Refusal Reason 2

1. All dwellings and the access road are on zone 1 land.
2. It is accepted by the Council that the layout does not affect the amenity of neighbouring properties Arrowlea and The Old Barn.
3. The site is adjacent to the village boundary. Both the PC and Officer in this report have said the site is suitable for development of up to 5 dwellings. However NPPF at para 119 says "decisions should promote an effective use of land" so 6 No. dwellings on 0.65h is making a more effective use of the site and provides some lower cost dwellings.

4. Policy RA2 states development will be permitted within and adjacent to the boundary. This is confirmed in the report at 6.8 which says "The principle of developing the site with housing is therefore accepted".
5. I had the same argument of urbanisation put forward at Yarpole. The Inspector there did not agree and awarded costs against the Council. The Committee are welcome to inspect that site which is nearly completed.
6. The amended layout of the 3 No. cottages was put forward for discussion and to demonstrate that it was a poor alternative. It had more impact on Arrowlea. The garage layout and parking became cramped. The amenity areas were on the north side of the building. There would be parking at the front of the properties and an area of ground against the road which would be in multiple ownership and probably neglected. There was no improvement achieved. It did not work, unfortunately. No discussion ever took place. I was only asked if the drawing was submitted as an amendment which it was not.
7. The NP allocates 18 dwellings in Eardisland and Policy RA2 states development will be permitted within and adjacent to the boundary. This is confirmed by the report at 6.8 which says "The principle of developing the site with housing is therefore accepted". Only 2 dwellings have been built in Eardisland since the adoption of the NP in 2016. Neither was on zone 1 land.
8. The Environment Agency have now agreed the finished floor levels and flood risk resilience and withdrawn their objection.

Refusal Reason 3

1. Natural England have not objected.
2. The concept of the proposal was to maintain View 1 but to provide a design which would actually enhance the approach into the village. The row of 3 small cottages in vernacular design with an arched opening to service the rear and remove all parking and garages from sight, it was believed would enhance the approach, i.e. would be an improvement on what is there now. It still is believed to be the case.
3. A photograph of a similar 3 No. cottages built by the agent 25 years ago in Shropshire which was submitted to illustrate how the approach would look, has not been produced in the report even though it appears on the website. Could it now be shown to the Committee please?
4. Materials chosen are timber, brick, stone and render with traditional steeply pitched roofs in slate and clay tiles. The properties are designed to complement the established local character of the village.
5. The Conservation Officer has stated that the proposal will result in less than substantial harm to an interest of acknowledged importance.
6. The principal elements of heritage significance in Eardisland are focused on the vicinity of the bridge.
7. The relatively small scale of the proposal extending away from the road with its vernacular character and many similar elevational treatments as within Eardisland ensures that a gentle transition occurs between the buildings and the rural landscape beyond. The group of 3 cottages gives a mix of dwellings and an appearance of 4 units set back behind Arrowlea.

8. The traditional design and detailing of vernacular character will require established craftsmen to undertake the work supporting a local skill base essential to protect the recognised character of local properties.
9. The proposed development site constitutes an additive change on the fringe of the settlement which does not impact upon the core elements of the village and being an adjunct to the built edge of the community alters yet maintains its overall relationship with the open rural area beyond.
10. To re-orientate the row of cottages might seem an improvement to the Conservation Officer but would not be to the occupiers of the dwellings. The disadvantages are the back gardens would be facing north, the parking and garages are too cramped so parking on the front of the dwellings would be unavoidable.
11. Who is going to be responsible for the large area along the roadside View 1?

Refusal Reason 4

1. The access is an adaptation of the existing field access to comply with Highways Regulations.
2. The Highways Officer confirms that none of the traffic related matters such as access, egress, parking, turning or traffic generation are considered unsatisfactory.
3. The Highways Engineers only objection appears to be that there is no pavement into the village. The applicant has offered to restore the verge on the south side of the road which in places has become overgrown due to neglect and which his traffic consultant says in his report provides a safe step off the road which is normally accepted in rural situations where a pavement would introduce a detrimental suburban element.
4. The Highways Engineer should be reminded that NPPF para 111 says "Development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road would be severe".

Refusal Reason 5

1. The reason given by the planning officer is a total misrepresentation of the Emergency Planning Officer's consultation reply and wholly unreasonable.
2. The Emergency Planning Officer did not OBJECT.
3. What the Emergency Planning Officer actually said was that in the event of permission being given he would request a Condition requiring a "Flood Evacuation Management Plan" to be included.
4. This misrepresentation is disgraceful behaviour. In my opinion, the whole report appears to have been written to mislead.

Other Matters

The case officer has been advised that the alternative pedestrian route referred to at paragraph 6.36 in the report is not a viable option for pedestrian use. A significant section of the route shown in red in the report is on private highway and therefore is not available for public use without the agreement of the landowner. It is understood that no such agreement has been reached.

OFFICER COMMENTS

In response to the email received from the applicant's agent, the following comments are provided:

Reason 1

The email misunderstands the grounds for refusal. It is not based on the efficacy of the proposed drainage arrangements per-se, but rather the fact that the proposal lies within the River Lugg sub-catchment of the River Wye SAC and that it has a failing status. The scheme has failed to demonstrate compliance with the criteria as set out in the Council's Position Statement for development within the River Lugg catchment. The Planning Committee is well-versed on this matter and it will be aware that a positive determination of the application cannot be made unless the proposal can demonstrate nutrient neutrality or betterment. In this case it would require the purchase of phosphate credits. If the proposal is deemed to be acceptable in all other respects then the committee could resolve to approve the application subject to nutrient neutrality being demonstrated.

The comments appear more to be aimed at the consultation response provided by the Council's Land Drainage Engineer. The comments referred to at point 1 have been published to the website. A further response to them has not been received from the Council's Land Drainage Engineer but on the basis of the advice given above officers do not consider that this compromises the ability of the committee to make a decision.

Reason 2

The comments do not really address the fundamental thrust of the reason, which is that the proposal is out of keeping and does not respect the established settlement pattern of the village.

The reference to a scheme in Yarpole at point 5 is not material to the determination of this application. Each should be determined on its own merits.

The alternative indicative layout referred to does not form part of the determination of this proposal. The officer's report is quite clear on this at paragraph 1.10

Reason 3

The comments provided simply counter those put forward by the case officer and the Council's Historic Buildings Officer in respect of the perceived harm to the setting of the conservation area. Officers accept that the harm to the conservation area (the heritage asset) is less than substantial. In accordance with the test set out at paragraph 202 of the NPPF, the less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of permitting the scheme. Officers have applied this approach and find that the harm is not outweighed by the benefits.

Reason 4

Restoration of the verge does not amount to the provision of a public footpath. The applicant's agent's comments singularly fails to recognise the hierarchy of road users that paragraph 112 of the NPPF sets out; re-produced at paragraph 6.37 of the report. Paragraph 111 of the NPPF does indeed suggest that developments should only be prevented or refused on highway grounds "*...if there would be an unacceptable impact on highway safety...*" Officers are of the view that the lack of adequate provision for pedestrians amounts to an unacceptable impact on highway safety.

Reason 5

At no point does the officer's report refer to an 'objection' from the Emergency Planning Officer, rather at paragraph 6.54 the appraisal says that the matter of safe access during a flood event has not been adequately addressed. In the absence of any additional information to address this matter officers have little option but to include this as a reason for refusal. The suggestion of a condition by the Emergency Planning Officer is not a tacit agreement to the acceptability of the proposal, rather that it covers the possibility that planning permission might be granted.

The Planning Committee will take their own view on whether the report is misleading. However, officers consider that it sets out all of the matters that are material to the determination of the application. The responses of technical consultees are included and are available to view in full on the website and the reasons for refusal clearly reflect the comments that have been received.

Other Matters

The availability or otherwise of the route for pedestrians was not crucial to officers consideration of the proposal in respect of highway safety matters. The option shown, and now to be disregarded, provided a convoluted route for pedestrians that would not be likely to be used to walk to the centre of the village. Officers remain of the view that the proposal is unacceptable in terms of highway safety.

NO CHANGE TO RECOMMENDATION

PLANNING and REGULATORY COMMITTEE

28 September 2022

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Anderson Per Mr Rob Davies	Outline application for residential development (with all matters reserved except for access), footway/cycleway and vehicle turning head, stopping up and re-routing of a short section of Grafton Lane, near the A49, public open space, landscaping and associated infrastructure works (AMENDED PLANS and ADDITIONAL SUPPORTING DOCUMENTS) at LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ	193042	29
		OBJECTOR SUPPORTER	MR BEN DOOUSS/MR GEORGE HARDY (local residents) MR ROB DAVIES (Applicant's agent)	
7	Mr & Mrs Sharp Per Miss Rebecca Jenkins	Proposed single storey dwelling ('Pippin Grange') and ancillary outbuildings. To include renewable technologies, reinstatement of heritage orchard and biodiversity enhancements at LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE	214270	109
		PARISH COUNCIL OBJECTOR SUPPORTER	MRS JULES HARDY (Callow and Haywood Group PC) MR ANTHONY PRIDDLE (local resident) MR ALEXANDER SHARP (Applicant)	
8	Mr Staples Per Mr John Needham	6 no. dwellings with garages at LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BU	214073	135
		PARISH COUNCIL OBJECTOR SUPPORTER	MS SHELLEY CONNOP (Eardisland PC) MR RICHARD KIRBY (local resident) MR JACK SMYTH (On behalf of the applicant)	

