

Agenda

Planning and regulatory committee

Date: **Wednesday 23 November 2022**

Time: **10.00 am**

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

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:
[Planning and regulatory committee - Wednesday 23 November 2022 10.00 am - YouTube](#)

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson	Councillor Terry James
Vice-chairperson	Councillor Paul Rone
	Councillor Paul Andrews
	Councillor Polly Andrews
	Councillor Dave Boulter
	Councillor Sebastian Bowen
	Councillor Clare Davies
	Councillor Elizabeth Foxton
	Councillor John Hardwick
	Councillor Tony Johnson
	Councillor Mark Millmore
	Councillor Jeremy Milln
	Councillor Felicity Norman
	Councillor Ann-Marie Probert
	Councillor Yolande Watson

Agenda

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NOLAN PRINCIPLES	
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To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES	13 - 26
To approve the minutes of the meeting held on 26 October 2022.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 212514 - LOWER MOSEWICK FARM, BIRCHWOOD LANE, STORRIDGE, HEREFORDSHIRE, WR6 5DU	27 - 52
Proposed conversion of redundant rural buildings to conference hall and offices for charity use.	
7. 221224/221225 - THE PAVILION, CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW	53 - 70
Proposals to renovate and improve the existing pavilion building on Castle Green to remove non-sympathetic 20th Century additions, to replace with modern community focused multi-functional spaces, improved youth canoe facilities and reinstate historic pediment & portico.	
8. 221708 - TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JE	71 - 84
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9. DATE OF NEXT MEETING	
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Date of next meeting – 14 December 2022	

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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Public transport links

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Paul Rone (Vice Chairperson)	Conservative
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Dave Boulter	Independents for Herefordshire
Councillor Sebastian Bowen	True Independents
Councillor Clare Davies	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Ann-Marie Probert	Conservative
Councillor Yolande Watson	Independents for Herefordshire

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues

- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 26 October 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Paul Rone (vice-chairperson)

Councillors: Paul Andrews, Dave Boulter, Sebastian Bowen, Clare Davies, Elizabeth Foxton, John Hardwick, Tony Johnson, Mark Millmore, Jeremy Milln, Felicity Norman, Ann-Marie Probert, Kevin Tillett and Yolande Watson

In attendance: Councillors Carole Gandy and Jennie Hewitt

Officers: Lead Development Manager, Area Engineer - Development Control and Legal Representative

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Polly Andrews.

44. NAMED SUBSTITUTES (IF ANY)

Councillor Kevin Tillett acted as a substitute for Councillor Polly Andrews.

45. DECLARATIONS OF INTEREST

There were no declarations of interest.

46. MINUTES

RESOLVED: That the minutes of the meeting held on 28 September 2022 be approved.

47. 201441 - DEV 1 LAND ADJOINING HAWTHORN RISE, HAWTHORN RISE, PETERCHURCH, HR2 0RQ

The planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Scrimgeour spoke on behalf of Peterchurch Parish Council and Mr Smith, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary she explained that the application could be of benefit to Peterchurch by providing new homes and improved amenities. The application was proposed on a site that had been allocated for development. However, before the application proceeded it was essential that the landscape and biodiversity of the area was protected. Before the reserved matters application was approved assessments of the impact of the developments on local water courses should be undertaken. The 89 houses proposed in the application would generate significant discharges and there was concern that the wastewater treatment works lacked sufficient capacity. There was also concern about the supply of potable water. Legal advice

that had been sought indicated that a habitats regulations assessment (HRA) was required along with further consultation with Natural England (NE) and Natural Resources Wales (NRW) over the impact of the application on local rivers. The committee was urged to defer the application pending consultation with NRW and the completion of an HRA.

The committee debated the application.

A motion that the application be deferred was proposed Councillor Felicity Norman and seconded Councillor Sebastian Bowen.

Councillor Sebastian Bowen withdrew as seconder to the motion to defer the application.

The committee sought assurances that concerns over potable water and sewage would be addressed with Welsh Water.

The committee felt that there should be a reassessment of the need for studies concerning the environmental implications of the application at a later stage.

The committee sought greater detail regarding sustainable travel and connectivity on the site plan for the application.

The lead development manager explained that the application site was not within an area that required an HRA. The officer recommendation in the report sought a delegation to officers to complete a section 106 agreement. When that agreement was in place there would be a further reassessment of whether an HRA was required in line with any policy or procedural changes.

The local ward member was given the opportunity to close the debate. In summary she explained that rare species of fauna in the River Dore required protection. A written record that an HRA was not required had been requested but had not been forthcoming. The local authority had responsibility for identifying where risks to the local environment existed and the new cabinet commission on phosphates was committed to protecting river catchments in Herefordshire. The local authority should consult NRW and complete an HRA. The rivers in the Golden Valley currently had no environmental protections.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Paul Rone and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried by a simple majority.

RESOLVED: That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant Outline planning permission, subject to the conditions below and any other further conditions (or amendments) considered necessary.

That planning permission be granted subject to the following conditions:

- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be begun either before the**

expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

4. **The development shall be carried out strictly in accordance with the approved plans:
Site Location Plan except where otherwise stipulated by conditions attached to this permission.**

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

Pre-commencement conditions

5. **No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

6. **Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the

National Planning Policy Framework.

7. **No development shall commence until:**
- i) a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works has been undertaken; and**
 - ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and**
 - iii) if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.**
- No dwellings shall be occupied until the agreed scheme has been completed.**

Reason: To ensure satisfactory drainage arrangements, in accordance with policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031

8. **Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**
- A method for ensuring mud is not deposited onto the Public Highway**
 - Construction traffic access location**
 - Parking for site operatives**
 - Construction Traffic Management Plan**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. **Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement based on a current ecology update, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

Pre-occupancy or other stage conditions

- 10. Development shall not begin in relation to any of the specified highways works until details relating to works as described within the submitted Transport Assessment Addendum by Alpha Consultants dated June 2022 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.

- 11. Prior to first occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

b) proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 12. Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.**

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 13. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core

Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

- 14. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect ‘hotels’, wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2021), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2021.

- 15. Prior to any construction above damp proof course levels, a detailed annotated/specifications illumination levels and lighting features plan should be supplied to and acknowledged by the local authority. All lighting must clearly demonstrate compliance with all current best practice guidance including guidance produced by the Institute of Lighting Professionals and the Bat Conservation Trust. The approved scheme shall be implemented in full and maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to The Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD1-3, National Planning Policy Framework – inc para 180 (2021), NERC Act 2006

- 16. No above ground development shall take place until the drainage scheme has been submitted and approved in writing by the Local Planning Authority and include, but not limited to:**
- i) results of soil infiltration tests undertaken throughout the site. The tests shall be undertaken in accordance with BRE365 guidance;**
 - ii) Description of the proposed drainage strategy following the SuDS hierarchy. The description shall be supported by a drawing showing details of the proposed strategy. The drawing shall clearly show the proposed drainage features, proposed outfalls, infiltration features if applicable, pipe sizes and gradients at which the pipes have been laid, invert and cover levels of the manholes and drainage features, required attenuation storage volume;**
 - iii) Drawing showing details of the proposed drainage features,**

- including all outfalls, overland SuDS conveyance structures and attenuation storage structure;
- iv) Demonstration that best practice SuDS have been promoted in the proposed surface water drainage strategy;
 - v) Demonstration that the flooding/drainage issues, including overland flows from the north-east flagged up by the local residents, have been considered in the proposed surface water drainage strategy to ensure that the existing drainage issues are appropriately addressed to ensure no increased risk of flooding to the proposed development, and that the construction of the development will not increase risk of flooding to nearby properties or further downstream;
 - vi) Information on the proposed pollution prevention measures that will be incorporated in the proposed surface water drainage system;
 - vii) If infiltration techniques are found to be feasible on site, soakaways shall be located a minimum of 5m away from any building. The Applicant also shall submit information on groundwater levels to ensure that the bottom of soakaways is located a minimum of 1m above the groundwater level;
 - viii) Detailed drainage calculations for up to and including the 1 in 100 year event with 40% climate change allowance. The drainage calculations also shall include detailed attenuation storage calculations. All the calculations shall be based on FEH 2013 rainfall data. The calculations shall demonstrate that there is no flooding from the proposed surface water drainage system for up to and including the 1 in 30 year event, and that there is no increase in the risk of flooding for up to and including the 1 in 100 year event with climate change allowance to the proposed development and elsewhere;
 - ix) If discharge to a local watercourse is proposed, the greenfield runoff rate calculations for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events shall be submitted. The calculations shall be based on FEH methodology as outlined in The SuDS Manual 2015;
 - x) Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site boundary up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere;
 - xi) Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system. If the proposed surface water drainage system is planned to be maintained by a third-party company, the Applicant shall submit an Operation & Maintenance guidance document to ensure that appropriate maintenance of the drainage system will be carried out.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. **Prior to occupation on site, a Travel Plan which contains measures to promote alternative sustainable means of transport with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken ever 3 years. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.**

Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

18. **Prior to the first occupation of [any of] the dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.**

Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

19. **Prior to first residential occupation, a scheme demonstrating measures for the efficient use of water, as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

20. **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 curtilage of each dwelling 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Post occupancy monitoring and management / Compliance Conditions

21. Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

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

22. During the construction phase no machinery shall be operated, no construction works shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm 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 the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the tenure for both open market, affordable and the wheelchair accessible unit. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local housing Market Assessment (or any successor document adopted by the LPA).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

24. The plans for the provision for open space and play areas shall be set out in accordance with the standards adopted by the Local Planning Authority and shall be submitted to and approved in writing by the Local Planning Authority.

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

25. All foul water shall discharge through a connection to the local Mains Sewer network managed by Welsh Water through their Peterchurch Waste Water Treatment Works; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and

Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

- 26. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal. In accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 3. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**
- 4. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
- 5. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'**

- 6. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained**
- 7. In connection with Condition 17 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ**
- 8. In connection with Condition 17 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ**
- 9. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**
- 10. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**
- 11. This planning permission does not authorise the applicant to carry**

out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

12. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement
13. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
14. On-site children's play provision: We would expect the play area to be of the value £70,000 in accordance with the SPD on Planning Obligations and the size of the development.
15. The proposed development would be served by the local water supply network in Peterchurch which is nearing capacity and can only accommodate an additional 20 dwellings before reinforcement works would be required. Welsh Water can support the development through the planning process, a solution is likely to be required in advance of occupation of the site. Control over the delivery of reinforcement works on the water supply network for such a development sits within the Water Industry Act (1991) and can therefore be delivered at water connection stage.
16. Site plan dwg no 752.02 Rev B is for indicative purposes only.

There was an adjournment at 11:04 a.m.; the meeting reconvened at 11:19 a.m.

48. 214251 - JUNIPER COTTAGE, PIPE ASTON, LUDLOW, HEREFORDSHIRE, SY8 2HG

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Jones, Ms O'Neill and Mr Owen, local residents, spoke in objection to the application and Ms Toye, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary she explained that there had been a previous application on the site which had been withdrawn. The work proposed in that applications had been undertaken, therefore the current application was retrospective in effect. The work that had been undertaken consisted of the removal of earth and had caused ecological harm to a local wildlife site (LWS). The committee was urged to consider the application and determine whether it would have allowed the work that has been undertaken at the site to go ahead. There was concern that the ecological assessment was ambiguous regarding the future classification of the site as a LWS. There was further concern regarding the proposed condition for the monitoring up the development which had been reduced from 30 years to 10 years. Clarification was sought as to who would conduct the monitoring, what penalties could be applied and who would be responsible for enforcement. The damage had been caused on site would now need to be left to recover.

The committee debated the application.

The local ward member was given the opportunity to close the debate. She explained that the objection of the ecology team to the earlier application had been overcome in the current application due to the submission of an ecological report. The ecological report had recommended that a hedge was retained on the site but the hedge had been removed. The site was not suitable for a manege as it was not flat. It was explained that the ecological damage caused should not be allowed to continue.

A motion that the application be refused due to adverse impact on landscape and environment was proposed by councillor Yolande Watson and Councillor Felicity Norman. The adverse impact on landscape and environment was contrary to: policy WG1 of the Wigmore group neighbourhood development plan; policies LD 1, LD 2, LD3, SS1 and SS6 of the Herefordshire local plan core strategy; and Chapter 15 of the national planning policy framework.

The motion was put to the vote and was carried by a simple majority.

RESOLVED: - that planning permission is refused; the application represents an adverse impact on the landscape and environment. The application is contrary to: policy WG1 of the Wigmore group neighbourhood development plan; policies LD 1, LD 2, LD3, SS1 and SS6 of the Herefordshire local plan core strategy; and chapter 15 of the national planning policy framework.

The meeting ended at 12.05 pm

Chairperson

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 NOVEMBER 2022
TITLE OF REPORT:	212514 - PROPOSED CONVERSION OF REDUNDANT RURAL BUILDINGS TO CONFERENCE HALL AND OFFICES FOR CHARITY USE AT LOWER MOSEWICK FARM, BIRCHWOOD LANE, STORRIDGE, HEREFORDSHIRE, WR6 5DU For: Mr Deuchar per Mr Owen Fry, Shiretown House, 41-43 Broad Street, Hereford, HR4 9AR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212514
Reason Application submitted to Committee – Contrary to provisions of the development plan	

Date Received: 24 June 2021

Ward: Bishops Frome & Cradley Grid Ref: 373594,250351

Target Date: 30 September 2022

Local Member: Cllr Ellie Chowns

1. Site Description and Proposal

- 1.1 The site is approximately 0.2 miles south-east of Longley Green, close to the county border between Herefordshire and Worcestershire, within the Malvern Hills AONB. The site is accessed via a private stone track directly off Birchwood Lane (C1142). All land within the application site has an Agricultural Land Classification of Grade 3 (Good to Moderate). Surrounding area and land uses consists predominantly of agricultural grazing land and associated buildings, with the settlement of Cradley approximately 3.2 miles south-west.
- 1.2 The site comprises a brickwork cottage (Harp Cottage), and a traditional timber frame threshing barn, located near the centre of the holding and both redundant. Harp Cottage and the threshing barn are not listed although both are viewed to have heritage significance and make a positive contribution to the immediate area.
- 1.3 The buildings are accessed via a recently upgraded stone track (approved under P194117/PA7) from Mosewick Farm. Parking is available immediately adjacent to the existing agricultural buildings at Mosewick Farm, approximately 0.15 miles north, although additional parking can be achieved directly adjacent the buildings under consideration.
- 1.4 The application seeks full planning permission for the proposed conversion of Harp Cottage and the adjoining threshing barn for use by a mental wellbeing charity. The applicant, along with support from a wider team at the University of Worcester, is establishing a mental wellbeing charity, to provide support to emergency services and military personnel.

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

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1 – Presumption in favour of sustainable development
SS4 – Movement and transportation
SS5 – Employment provision
SS6 – Environmental quality and local distinctiveness
SS7 – Addressing climate change
RA5 – Re-use of rural buildings
RA6 – Rural economy
SC1 – Social and community facilities
MT1 – Traffic management, highway safety and promoting active travel
 E1 – Employment provision
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD3 – Green infrastructure
LD4 – Historic environment and heritage assets
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources
SD4 – Waste water treatment and river water quality

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

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

2.2 Cradley Neighbourhood Development Plan (made on 21 August 2017)

CNDP5 – Area of Outstanding Natural Beauty
CNDP9 – Design

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

<https://www.herefordshire.gov.uk/directory-record/3047/cradley-neighbourhood-development-plan>

2.3 National Planning Policy Framework (revised July 2021)

2 – Achieving sustainable development
4 – Decision-making
6 – Building 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 revised National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed through the following link:- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 Planning Practice Guidance

Planning Practice Guidance can be viewed through the following link:-
<https://www.gov.uk/government/collections/planning-practice-guidance>

2.5 Malvern Hills AONB Management Plan 2019-2024

Chapter 1 – Landscape (Policies LP1, LP2, LP3 and LP4)
Chapter 3 – Biodiversity (Policies BP1, BP2, BP3, BP4 and BP5)
Chapter 4 – Historic Environment (HP1, HP2 and HP3)
Chapter 7 – Built Development (BDP2, BDP4, BDP5, BDP11, BDP13)
Chapter 9 – Transport and Accessibility (Policies TRP1, TRP2)
Chapter 10 – Recreation and Access (Policies RP1, RP2, RP5, RP6)

The Malvern Hills AONB Management Plan can be viewed through the following link:-
<http://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/08/19-24-MHAONB-Management-Plan.pdf>

3. Planning History

- 3.1 P194117/PA7 – Application for prior notification of agricultural or forestry development – proposed road – prior approval not required

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent – No objection

“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 Welsh Water – No objection

“It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.”

4.3 The Ramblers – No objection

“No objection: CD68 passes close to the buildings to be converted and appears to be unobstructed. CD72 which runs along the edge of the carpark appears to be unobstructed and must remain accessible at all times.”

4.4 Herefordshire Ramblers – No objection

“Public Footpath CD68 runs very close to the rural buildings being converted but does not appear to be obstructed. Public footpath CD72 runs along the edge of the proposed car park but looking at the plans does not appear to be obstructed by possible parked cars. Footpath CD72 must be clearly way marked around the car park and must be accessible at all times”.

4.5 Forestry Commission – No adverse comments to offer

4.6 Malvern Hills AONB Unit – Support

“This application lies within the boundaries of the Malvern Hills Area of Outstanding Natural Beauty (AONB), an area designated for its national landscape importance. The Malvern Hills AONB Unit seeks to encourage high quality developments and to protect and enhance the local landscape.

This is a protected landscape and national and local planning policies require ‘great weight’ to be given to conserving and enhancing the landscape and scenic beauty of the AONB. In addition, the Malvern Hills AONB Management Plan (2019 - 24) is a material consideration in relation to planning and states the following (policy BD2) ‘Development in the AONB and its setting should be in accordance with good practice guidance, including that produced by the AONB Partnership’

The application site lies within the Principle Wooded Hills character area of the AONB, a very tranquil and rural part of the protected landscape. We note that this application is for the re-development of existing buildings and that great effort has been taken to make sure that the site does not lose its tranquil and rural character, both in terms of design and in its practical operation as a wellbeing centre. The applicant has taken into consideration pre-application advice and has referenced both the MHAONB management plan and guidance documents. We also welcome the production of an LVA which indicates that there should be little impact upon views. This is particularly important given the number of well used public footpaths nearby.

We particularly welcome the decision to make the development a ‘walk in’ site but would ask that plans are submitted for the parking arrangements at the nearby farm. Although the farm area is more suitable than the open field site there is the possibility that car parking here could impact upon the farm setting.

The re-building of the cottage using original materials is to be welcomed and we feel that the relatively modest re-development and extension of the barn is appropriate to both the site and the wider landscape setting. The use of the courtyard formed by the extension as an outside seating area and use of minimal hard landscaping also reduces the impact of using the site, although we do have concerns as to where activities such as lathe work, ironmongery, pottery, basket work and glass work, mentioned in the Design and Access statement will take place, since there is limited outdoor / covered space.

We are content with the building’s rural design, scale and material selection, which takes inspiration from the existing buildings but provides a contemporary twist. The building will retain its historic footprint and the new materials should be sympathetic and complementary to the existing building. Although the drawings and D and A statement imply a close match with existing materials we would like to be re-assured that the ‘natural stone’ and ‘red brick’, for example, will match existing materials in all respects, including colour and texture, to ensure that the finished buildings do not look too ‘new’. We would also suggest that windows, doors, fascia and bargeboards are finished in dark grey rather than light grey, to avoid a ‘domestic’ appearance. We note that consideration has been given to minimising the effects of lighting but would suggest that further details should be provided to ensure that appropriate measures are taken to reduce light pollution from both within and outside the development. We are also encouraged by the statement that the wider farm area will benefit from this development and the activities carried out there. There is considerable opportunity for the biodiversity overall to be improved and we welcome the opportunities which this development should bring to the farm environment. In summary, the proposal appears to offer a way of restoring existing rural buildings which have fallen into disrepair and making a positive contribution to community wellbeing, whilst having relatively low impact upon the AONB landscape. We therefore support this application.”

4.7 Malvern Hills District Council – No objections

“The Council has no immediate concerns in respect of the proposed development. Two listed buildings located nearby, Bridge Cottage and Ripple, which are within Malvern Hills District however we would recommend the following matters are carefully considered as part of this development proposal:

- The extent of glazing and its visibility from higher slopes.*
- The use of non-reflective glazing.*
- The recessing of new areas of glazing.*
- The use of local, natural materials which integrate within the local palette.*

- *How the development fits within the AONB and fulfils the requirements of the AONB management plan, AONB Building Design guide and the AONB guidance on the selection and use of colours in development.*
- *The limiting of a new external lighting in line with guidance issued by the AONB partnership. In addition, it is recommended that comments are sought from the AONB partnership as well as your landscape officer and ecologist. Please also see the Malvern Hills AONB Guidance on Building Design document (<https://www.malvernhillsaonb.org.uk/managing-the-aonb/guidance-documents/>).*

4.8 Natural England – No objection/condition recommended

“SUMMARY OF NATURAL ENGLAND’S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would damage or destroy the interest features for which both Halesend Wood Site of Special Scientific Interest and Leigh Brook Valley Site of Special Scientific Interest have been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- *Surface water strategy*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.“

4.9 Worcester City Council – No comments to offer

4.10 Open Spaces Society – No response

4.11 Herefordshire Wildlife Trust – No response

Internal Council Consultations

4.12 Building Conservation Officer – No objections/conditions recommended

“I am happy to accept these amendments to the cottage. If minded to approve the application I suggest we condition details of the reconstruction of the cottage as follows:

- *Roof coverings to be handmade plain clay tiles to approved sample.*
- *Rainwater goods to be cast iron or aluminium.*
- *Timber frame drawings to be submitted at 1:20 scale.*
- *Bricks to be handmade to an approved sample and a sample panel of brickwork to be prepared and approved to agree mortar mix, colour, joint profile and brick bond.*
- *Joinery details at 1:2 scale – windows to be hardwood casements with metal opening lights”*

4.13 Landscape – No objections/conditions recommended

“I have reviewed the latest information. The drainage proposal around the main site is now shown on the landscape mitigation drawing and does avoid the planting areas. The car park drawing is welcome and clearly shows areas of vegetation to the boundaries that will be retained and enhanced.

- *If the application is to be approved then a condition should be added for tree protection, hard and soft landscape details around the car park to be provided and agreed by the local authority prior to commencement of construction.*
- *An implementation condition should be added for Figures 2 and 3 of the LVA, which show the landscape mitigation, plant schedules and specifications for the main site.*
- *A further condition should be added for a landscape maintenance and management plan to be provided.*

This is requested in order to maintain the amenity of the area in accordance with Core Strategy Policies LD1 and LD3.”

4.14 Transportation – No objection/condition recommended

“The local highway authority has no objection to the application, however, due to the proximity of the boundary with Worcestershire County Council (WCC) it would be prudent to also consult the local highway authority at WCC. Conditions: CB2 (Cycle storage)”

4.15 Ecology – No objection/conditions recommended

“It is noted that the council’s drainage consultants have raised an objection as currently there is no certainty of how foul water can be managed. A scheme that demonstrates it has capacity and clearly comply with all relevant regulations and Core Strategy SD4-LD2 should be submitted and approved by the council’s technical drainage consultants PRIOR to a final permission being granted. This will ensure that all potential effects from foul water on Leigh Valley SSSI and local watercourses and associated habitats/species are not affected by additional nutrient loading/pathways. Subject to the final foul water scheme proposed being approved by the LPA drainage consultants there are no further Ecology comments or objection raised.

The updated surface water management scheme is noted utilising flow attenuation crated systems. These must include all relevant features to ensure that all potential pollutants including silts-particulates and discharges from vehicles are removed prior to final discharge to the local watercourse. Confirmation the proposed system can technically achieve this is requested through final approval from the council’s drainage consultants. Subject to the final surface water scheme proposed demonstrating pollutant-contaminant and silt/particulate removal being confirmed by the LPA drainage consultants there are no further Ecology comments or objection raised.

Other ecology comments

The amended Ecology Report by Turnstone Ecology dated March 2022 is noted and refers.

The phrase “and the more common Myotis species are uncommon in the United Kingdom” is confusing and not substantiated with a significant number of bat records in the county including “common Myotis species” such as Natterer’s, Daubenton’s, and Whiskered or Brandt’s (the latter two often called ‘small Myotis species’ as potentially hard to differentiate in the field).

The need for further optimal period bat surveys to inform actual use of the existing buildings and surrounding habitats (Core Sustenance Zone that would support any bat roosting) and actual mitigation and compensation requirements to support any Protected Species Licence triggered is identified within the supplied report. The LPA has no reason to consider that the final works approved would not be able to accommodate the required mitigation and compensation – although these may require further amended plans (eg bat loft and access) to be approved by the LPA as part of the planning process.

A copy of the final optimal period bat survey completed should be submitted to the LPA to provide clarity and record of the final bats found at the site for future reference. This is not required prior to any appropriate protected species licence being applied for which is secured under a separate condition securing the recommendations in the updated ecology report supplied.

Ecological Protection and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme, including the biodiversity net gain enhancements and management of all lighting features, as recommended in the ecology report by Turnstone Ecology dated March 2022 shall be fully implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021),

NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Protected Species Records and Ecological Emergency

To record and inform knowledge of protected species at the site and presence in the wider locality – Malvern Hills AONB and adjacent woodland SSSI, within 5 months of completion, a copy of the final optimal period bat survey report and full records of species identified, shall be supplied in writing to the local planning authority and Herefordshire Biological Records Centre.

Reason: To ensure that all species are recorded and protected having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency."

4.16 Land Drainage – No objections

"Our knowledge of the development proposals has been obtained from the following additional sources since our previous comments in September 2021:

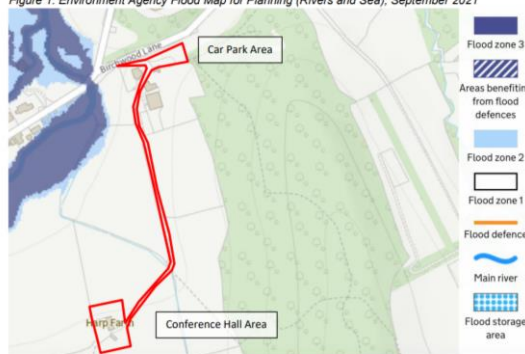
- Amended Location Plan 14.6.22 (Ref: HA38690_PL_02_B);
- Amended Proposed Site Layout 14.6.22 (Ref: A1/001);
- Land Registry Ownership Boundary 001 14.6.22;
- Land Registry Ownership Boundary 002 14.6.22;
- Amended Proposed Drainage Strategy 14.6.22 (Ref: A1/002 Rev A);
- Amended Proposed Car Park Drainage Strategy 14.6.22 (Ref: A1/003 Rev A);
- Amended Drainage Construction Details 14.6.22 (Ref: A1/004 Rev A);
- Response to LLFA Comments 14.6.22;
- Drainage Calculations 14.6.22;
- Drainage Calculations 2 14.6.22;
- Photos from Agent 14.6.22.

Overview of the Proposal

The Applicant proposes the conversion of Harp Cottage and an adjoining barn for commercial/charity purposes. The site covers an area of approx. 0.39Ha and is currently a brownfield site. An unnamed watercourse (tributary of Cradley Brook), referred to within the report as a drainage ditch, flows through the Harp Farm access and joins with Cradley Brook which is located approx. 70m from the Conference Hall carpark. The topography of the site slopes down from the south of the site towards the north of the site by approximately 5m.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), September 2021



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. There is a surface water flow route associated with a watercourse which appears to flow under the access road for the proposed development site.

Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Infiltration testing has been undertaken at the site whereby 2 trial holes were excavated to 1.6mBGL. Both tests failed to drain due to poor infiltration and were abandoned. Groundwater was encountered in Trial Hole B and was measured to a depth of 1.4mBGL. Drainage Layout drawings have been provided for the Conference Hall and the Car Park.
Conference Hall Area

For the Conference Hall area, we note proposals for the surface water to be attenuated by crates designed for a 1 in 100yr + 40% CC event. The proposed crate volume is 7m³ with the dimensions 2m x 7m x 0.5m (W x L x D). The crates will have a controlled discharge of 2l/s (HydroBrake orifice size of 75mm) to a combined outfall, which is proposed to discharge to the north into an existing mapped drainage ditch. Further details regarding the proposed outfall ditch are found within the Foul Water Drainage section. It appears that the combined outfall pipe is to cross the middle of an agricultural field. All pipework is confirmed to be laid within the land ownership boundary; this includes the proposed outfall locations. We recommend that the discharge pipe is laid close to the field boundary, in order to prevent future damage from agricultural practices, such as ploughing. We understand that the existing access track will remain as existing. The courtyard area has been included within the surface water drainage system.

Car Park Area

For the proposed car park, the surface water is proposed to also be attenuated within crates designed for a 1 in 100yr + 40% CC event. The Drainage Calculations state that there is a required attenuation volume of 19m³. The Drainage Layout drawing states that the proposed attenuation crate volume is 19m³ however the proposed dimensions are 4m x 5m x 0.5m (W x L x D) which only provides a volume of 10m³. We assume this is an error, however the dimensions should be amended on the Drainage Layout for construction purposes.

The crates will have a controlled discharge of 2l/s to the Cradley Brook. The proposed HydroBrake orifice size is now stated to be 75mm, in line with our previous recommendation. A headwall is proposed to be constructed to achieve this discharge to Cradley Brook. A headwall construction detail drawing has now been provided. A 25mm kerb is proposed along the car park boundary to

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

direct the surface water to a proposed gully which will reduce the runoff onto the existing highway. This will connect to the surface water drainage system which discharges to Cradley Brook. It has been confirmed that all proposed pipework and outfall locations are within the landowner boundary.

Foul Water Drainage

Percolation testing has been undertaken at the site whereby 1 trial pit was excavated to 800mmBGL. Again, the pit failed to drain and was abandoned. A detailed foul water drainage strategy has not been provided. The Drainage Layout drawing for the Conference Hall suggests that the foul water will drain to a Package Treatment plant, the capacity of which is not specified. This must be sized in accordance with the British Flows and Loads guidance. The treated foul water is then proposed to discharge to a combined outfall (with surface water runoff) to an existing drainage ditch located to the north. This is acceptable in principle, providing the receiving watercourse has a non-seasonal base flow. A headwall construction detail drawing has been submitted. Photographs of the ditch have been submitted and show water within the ditch, reportedly on all occasions. It is stated to have a depth of 2m and a width of 4m at the top of the bank. It has been confirmed that all proposed pipework and outfall locations are within the landowner boundary.

Overall Comment

We hold no objections to the proposed development.”

4.17 **Trees – No objection/condition recommended**

“As stated in my previous comments, I don’t think the application has considerable arboreal constraints and would only ask that a Tree Protection Plan is submitted prior to any commencement of work should the application be approved. This is to ensure the requirements of policy LD1 are met. CKB - Protection during Construction”

4.18 **Environmental Health (Noise and Nuisance) – No objection**

“From a noise and nuisance perspective our department has no objections to this proposal”

4.19 **Environmental Health (Housing) – No comments to offer**

4.20 **PROW Officer – No objection**

“Providing public footpath CD68 remains unobstructed PROW do not object to the conversion.”

4.21 **Economic Development – No response**

4.22 **Waste Management – No response**

5. Representations

5.1 **Cradley and Storrige Parish Council – Support**

“CSPC supports the proposal as it complies with CNDP 3, 4, 5, 6 & 9, and makes a welcome use of derelict farm buildings, however, CSPC would like to raise concerns over the safety of walkers using PROW CD72, the route of which runs through the proposed car parking area for 16 cars.”

5.2 One other letter of representation has been made, submitted on behalf of the Ledbury Area Cycle Forum, and raising a query in respect of further details of cycle storage.

5.3 All consultation responses can be viewed on the Council’s website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212514

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

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

6. Officer's Appraisal

Policy context

- 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.*” In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Cradley Neighbourhood Development Plan (Cradley NDP). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was taken on 9th 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. From reviewing those policies within the CS applicable to the determination of the application, they are viewed to be entirely consistent with the guidance contained within the NPPF. As such, significant weighting can be afforded.

Background

- 6.3 The applicant has established a mental wellbeing charity, to provide support to emergency services (particularly the Ambulance service), and also military personnel. The site will be used as a base for this charity. The charity would operate a retreat programme from the buildings, with the focus of sessions run being on combating burnout and mental health resilience. The charity ('Reset') is registered with the Charity Commission (charity number 1188488). The charity is being developed in association with the University of Worcester, who will provide oversight of the project and evaluations of support being offered, paired with advice on the development and implementation of the programme operated by the charity.
- 6.4 Given the programme outlined within supporting documents, only small numbers of people will be on site at any one time. It is important to the charity that the buildings and activities associated are low-key and compatible with the on-going functioning of the farm and the rural setting it sits in. Both the farm and wider rural setting is why this site has been chosen.

Principle of development

- 6.5 In assessing the principle of development, members are directed to Policy RA5 of the CS, which relates to the re-use of rural buildings. It is noted that there are no specific national policies, except in relation to residential development, although making the effective use of land is enshrined at Section 11 of the NPPF. Whilst there is no policy of relevance in principle within the made Cradley NDP, at paragraph 10.2 (Re-use of land and buildings), the parish council identifies that it will work with residents, owners of land and buildings, and other stakeholders to bring back into economic use any brownfield sites and vacant properties, especially those which make a positive contribution to the character of the area.
- 6.6 The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which make a positive contribution to rural businesses and enterprise and support the local economy (including live work units), or are essential to the social well-being of the countryside, will be permitted where:

1. *design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;*
2. *design proposals make adequate provision for protected and priority species and associated habitats;*
3. *the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;*
4. *the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and*
5. *the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. (Taken from Policy RA5 of the CS directly)*

- 6.7 The threshing barn is in reasonable condition and structurally sound. Works to this building include an extension on the footprint of a part of the barn which has been previously demolished. It is clear from the western elevation, historic mapping and from some remaining walls on site that there was once a structure at this location. The converted barn will provide the main base for the charity, providing a conference room, meeting rooms and break-out space for activities, toilets, as well as a kitchen facility.
- 6.8 Since Harp Cottage was last occupied as a residential dwelling in the 1960s, it has been unmaintained and has become dilapidated, to the point where the building has experienced a significant collapse in August 2022. Proposed works will involve Harp Cottage being taken down and rebuilt utilising the existing timber members and brickwork to ensure that it is visually consistent with the site and would be utilised for offices, and staff break room/toilet facilities.
- 6.9 Whilst the threshing barn is structurally sound and capable of conversion, Harp Cottage clearly necessitates re-building works to facilitate this part of the proposal. In this instance, your officers note that the proposal would not be compliant with the development plan as the building would not be capable of conversion unless a considerable amount of re-building to Harp Cottage is undertaken, establishing tension with Policy RA5(4) of the CS.
- 6.10 However, this needs be balanced against the clearly identifiable social benefits, including onsite delivery and wider public assistance and why this application has been brought forward. The building will provide a base for a mental wellbeing charity for ambulance service and military personnel. Members will note that Herefordshire Council is a signatory of the Herefordshire Armed Forces Community and coordinates a cross sector Civilian Military Task Group (CMTG), whose role is to deliver aims of the covenant. This includes addressing the needs of the armed forces community across the county. The need to provide accommodation and other services to ex-service personnel is recognised nationally and reflected in the Armed Services Covenant.
- 6.11 The application site, in terms of its context and surroundings, is ideal to accommodate the use in terms of useable space and its tranquil rural setting. Careful consideration has been given to how the proposal relates to the surrounding area geographically and historically, and how it sits within its wider setting. The massing of the proposed development is designed to best suit the character of the area, minimising visual and landscape impact.
- 6.12 The scale of the proposed development is consistent with the existing building, and massing and layout have been designed to reflect the appearance of traditional agricultural buildings. Both Harp Cottage and the adjacent threshing barn are relatively small in scale and the design of the buildings has considered the scale for the adaptive reuse of these buildings. To maximise the benefits of these buildings and location, it is essential to the charity that the buildings are well integrated into the wider landscape setting and that the proposed conversions make the most of the heritage value of the existing buildings.

- 6.13 The proposed use will continue operate alongside farming activities at nearby Lower Mosewick Farm. The continued agricultural use of the wider site will ensure the character of the area is conserved through on-going maintenance and management of the holding. It is considered that the proposal is compatible with adjoining, neighbouring uses, according with Policy RA5(3).
- 6.14 Integrated within the courtyard created by the barn and cottage, will be a formalised seating area surrounded by proposed soft landscaping. This area is ideally located as it is south facing, benefiting from direct sunlight. The wider setting and surrounding landscape is characterised by trees, hedgerows, and permanent pasture fields. There is significant existing soft landscaping in the surrounding area which would be enhanced as part of the proposed. In order to ensure that the buildings are viewed as part of the landscape, additional planting in the surrounding area will be focused on established hedgerows and clusters of trees.
- 6.15 Car parking will be located within the main cluster of buildings at Lower Mosewick Farm, with the buildings themselves capable of being reached on foot, noting the PROW which runs directly from Birchwood Lane to the immediate south of the buildings, providing genuine active travel measures. This minimises the landscape impact further, as it ensures parking is directed to areas best screened to ensure no urbanising elements are introduced into this rural setting. There is an existing access track leading from the farmyard at Mosewick Farm and additional parking area at Harp Cottage for any participants in the project, to transport anyone with limited mobility. This conserves the landscape character of the area by limiting areas of hardstanding around Harp Cottage and the barn which are attractive landscape features. The proposal, taken together, would reinforce the agricultural character of the buildings and provide a modest enhancement to landscape setting, according with Policy RA5(5).
- 6.16 The proposed would provide easy and safe access to external secure cycle storage, in addition to an external bin storage which will be situated on the farmyard at Lower Mosewick Farm. The buildings and their location provides an appropriate site to accommodate the proposed use in creating a useable space and given the tranquil rural setting of this site. There are clear social and economic benefits of the scheme as a whole, which are appreciated and have considerable weighting, unique to this location. In considering the tranquil nature of the application site to be appropriate and reflecting on policies SS4 and MT1 of the Core Strategy, whilst it does not provide the connectivity in terms of choices of transport that are required by policies SS4 and MT1 of the Core Strategy, it would be favourable to acknowledge that remoteness and tranquillity would be required for such a proposal of this nature.
- 6.17 From a policy perspective, the vision for Herefordshire set out within Chapter 3 of the CS states that opportunities and benefits from leisure, heritage, learning, and health, amongst other things, will be maximised to support an improved quality of life for all. The proposal wholly encompasses this vision which will allow the mental wellbeing clarity to establish itself, providing opportunities for emergency service and military personal to receive support and training in mental resilience through a programme that encourages the learning of new skills and hobbies to benefit participants in the long-term. Furthermore, the proposed utilised existing building of heritage and landscape, value in a way that enhances the rural character of the area, whilst not adversely affecting continued agricultural operations, with significant ecological and environmental benefits.
- 6.18 The design of the proposal respects and in some ways, enhances the landscape character of the locality, retaining the heritage value of the buildings. The buildings in their current state are not able to be utilised for any practical use and thus the proposed represents the most viable option for the long term conservation and enhancement of this heritage and landscape asset. The proposed incorporates appropriate provision for protected and priority species which is incorporated into the submitted ecology report. The proposed is compatible with the surrounding agricultural use and would have no adverse effects on the agricultural operation of Mosewick Farm. The threshing barn is structurally sound and capable of conversion; however, Harp Cottage requires structural work as part of the proposed development. Further to this, an extension is

proposed to the threshing barn, in the place of a historic section of the building, however this is not a significant extension and would enhance the character of the site. It is therefore considered that the proposal would accord with Policies RA5 (1, 2, 3 and 5).

- 6.19 As clarified above, the proposal requires significant work to Harp Cottage, which would conflict with Policy RA5(4), and this needs to be considered in the planning balance, and with reflection on other policies within the development plan and if there are significant social, environmental, and economic benefits of the scheme, as a result of material considerations, as a whole, which have considerable clout in the planning balance, to make an informed assessment and recommendation.

Design, Appearance and Sustainability

- 6.20 As part of the proposed development, Harp Cottage will be carefully taken down and rebuilt using the existing timber members and brickwork. The adjoining threshing barn will be converted to be in keeping with the surrounding landscape and environment and will be of a traditional timber frame, whilst incorporating a modern finish, which will enhance the building's visual appearance. An extension is proposed to the barn which would provide a kitchen, seating area, and toilets for the main building. This extension has been designed to recreate the massing of a previous part of the barn which has been removed.
- 6.21 The proposed design reflects the agricultural character of both buildings and their scheduled setting, and will retain a number of the original timber framing, stonework, and brickwork and stone plinth and brick adjacent materials to the barn. The new materials which will form part of the proposed development of which are sympathetic and complementary to the existing buildings and surrounding area. The building's rural design, scale and material selection, takes inspiration from the existing buildings but provides a contemporary twist. The threshing barn will re-establish its historic footprint and the new materials should be sympathetic and complementary to the existing building.
- 6.22 The windows to the proposed buildings will comprise of timber frame and double-glazed units. The buildings would be refurbished sympathetically so that they retain their historic appearance. The proposed development picks up on the important features and characteristics of the surrounding area. The density and scale of the proposed had been designed to be consistent with the other agricultural buildings within the locality of the property. The materiality reflects that of the local area through the use of timber boarding which will soften the appearance of the building and provide a connection with the natural tones created by the surrounding trees.
- 6.23 Sustainability measures will also be achieved by converting it into a low energy building, taking a fabric first approach utilising high performance insulation. In addition, it is proposed to use renewable heat sources including a ground source heat pump. This will be done sympathetically, including the reuse of existing materials to ensure that the character of the traditional barn and cottage is retained. The proposed design, appearance and sustainability consideration is viewed to be consistent with the relevant requirements of policies SS7, SD1, RA5, LD1 and LD4 of the CS, which is consistent with Sections 12 and 16 of the NPPF, as well as Policy CNDP9 of the Cradley NDP.

Landscape

- 6.24 The application site, aside from the two redundant buildings, sits within an isolated setting, approximately 0.15 miles south of Longley Green. A stone track to the buildings has been constructed and aside from this, the setting of the site is very tranquil, with outlook over the open countryside. There are a number of public footpaths surrounding the site, where the amenity value for walkers is considered to be very high. The site also falls within the Malvern Hills Area of Outstanding Natural Beauty (AONB). In assessing the proposed, coherence has been given to the Malvern Hills AONB Management Plan. Members will also be mindful of paragraph 176 of the

NPPF, which advises that great weight should be given to conserving and enhancing landscape and scenic beauty, particularly in AONBs, which has the highest status of protection in relation to these issues.

- 6.25 The landscape character type is Principle Wooded Hills. Bearswood Common to the south is identified as a provisional local geological site. Halesend Wood to the east is a designated Ancient replanted woodland. Cradley Brook runs to the east of the site. Mosewick Farm is situated close to the roadside, which is typical of the Longley Green village character.
- 6.26 This application has been supported by a landscape and visual impact assessment. This assessment describes the site as being a well-established farmstead that is an important component of an attractive and historic landscape. The assessment concludes that the proposed will fulfil recognised management objectives for this landscape character area, providing visual, cultural, and biodiversity benefits. Further to this, the report finds the proposed will result in positive change.
- 6.27 The tranquil, rural, isolated nature of the site has been respected in the site plan by restricting the external space to a small paved seating area and communal garden sited between the two buildings. The open field setting to the north is therefore retained without the introduction of fencing, signs or other paraphernalia. The existing hedgerows around the site will be retained and enhanced and the existing trees to the south are to be retained. It is noted that there will be very limited vehicle access to this remote location. The very implication of bringing the site back into use, after so long abandoned and left to nature, will of course alter the character of the site, however, the intended use as a “wellbeing centre” would not likely have a negative impact on the wider landscape character.
- 6.28 Views from adjoining PROWs were taken into account within the landscape and visual impact assessment, which finds that the positive refurbishment of the derelict farm buildings and the strengthening and enrichment of the landscape, support recognised management objectives and that the proposed development would result in benefits the wider area. The external landscape changes will therefore be very limited. The buildings themselves, however, will be restored and rebuilt, and both structures will appear larger than the remains that are present now. The LVA has considered suitable viewpoints and it is accepted that there are public locations where the new buildings will be seen.
- 6.29 The Malvern Hills AONB Management Plan recognises that small changes such as a gradual deterioration in hedgerow condition and the loss, without replacement of trees in fields and hedgerows, are a cumulative threat to the health of the AONB landscape. For a number of years, the site has been poorly managed from an agricultural perspective and also from a natural capital perspective. The proposed development seeks to address this through the improvement of existing hedgerows and planting of new trees. The proposed also helps to secure the proper management of the site for the long term as ongoing operations and activities run, in addition to the existing agricultural business, will allow the land to be properly managed.
- 6.30 The development is considered to have a very low landscape impact and the impact is further mitigated through utilisation of the farmyard as the main car park. Overall, an in concurring with the views of the Council’s Landscape Officer, it is considered that the application and development proposals are in accordance with CS Policy LD1, which is consistent with Section 15 of the NPPF and Policy CNDP5 of the Cradley NDP. While there will be some change to the landscape character and alterations to views of the site, the use and appearance can be suitably integrated and will not detract from the wider setting. Conditions will be recommended securing tree protection (as also raised by the Council’s Tree Officer), hard and soft landscaping details to be agreed and implemented, to incorporate the landscape mitigation, plant schedules and specifications for the site, and a landscape maintenance and management plan to be provided, to maintain the amenity of the area and conserve the Malvern Hills AONB.

Heritage

- 6.31 Members will be aware of their statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.32 There is a Grade II Listed Building within proximity of the site, located within Lower Mosewick Farmyard, known as the barn, east of Mosewick Farmhouse (UID: 1177246). The building is a small late 17th century barn with a timber frame and plaster panels. The barn has a stone plinth and a tiled roof with gable ends.
- 6.33 As raised earlier in the report, the buildings are considered to have some historic value as they are early buildings of a traditional construction, particularly the stone threshing barn with its timber frame indicating a probable 17th century date and the site appears on late 19th century mapping.
- 6.34 A Heritage Impact Assessment accompanies the submission. The layout of site will essentially remain unaltered, with the key characteristics – that of working relationship between the former working barns, courtyard and cottage, being retained. The site has been vacant since the early 1990s and there is a risk of further decline and potential complete loss, as encountered through the recent collapse experienced to Harp Cottage.
- 6.35 Development to and within the setting of heritage assets should look for opportunities to better reveal or enhance significance. It is considered the proposal supports the long-term conservation of the heritage assets, reducing the risk of their loss entirely. The element of re-building in relation to both buildings of course is noted and would not be compliant with Policy RA5(4), although this is returned to in the Planning Balance.
- 6.36 The barn is of a vernacular character with timber framing and horizontal weather boarding and the design has worked with the existing structure and taken the approach of minimal intervention. The ‘extension’ which reinstates the experience of the courtyard and brings back to life the working farmstead to be experienced in a new way takes cues from the historic materials and traditional form but with a contemporary twist to ensure there is a still a visual legibility between ‘old’ and ‘new’.
- 6.37 PPG affirms that if it is not deliberate: “*Disrepair and damage and their impact on viability can be a material consideration in deciding an application*”. In assessing heritage impacts, the proposal is an example of a small, traditional farmstead which through conversion, can make a contribution to the rural economy, whilst retaining local distinctiveness. Having no economic use, adaption to the base of a mental wellbeing charity, is deemed to be of the optimum viable use, ensuring long-term survival. The building will retain its historic footprint and the new materials should be sympathetic and complementary to the existing building and conditions are recommended in respect of samples of materials, at the request of the Malvern Hills AONB Unit and Building Conservation Officer, as well as more detailed design elements including timber frame and joinery detailing.
- 6.38 Through amendments between the applicant, your officers and the Council’s Building Conservation Officer, the proposed designs are sensitive and retain traditional characteristics of the agricultural barns and the historic farmstead. The extension which is essential for the re-use of the non-designated heritage asset reflects the historic footprint whilst not replicating a pastiche design and respects the balance of a contemporary and sensitive intervention.
- 6.39 The proposed development is considered to have no significant adverse effects on any listed heritage assets and would considerably improve the quality of the rural landscape and historic environment. The development would transform a redundant, overgrown, and unsightly site into

one that is abundant in high quality and provide a new development of huge community value. The application is viewed to conserve the heritage assets identified, according with Policy LD4 of the CS, consistent with Section 16 of the NPPF. In the absence of harm being identified, the paragraph 202 test of the NPPF need not be undertaken.

Transportation

- 6.40 Access arrangements are to unalter. There is an existing established access onto the public highway and a range of footpaths within the local area connecting the site to surrounding settlements. Whilst access to site via a range of modes of transport is limited, locating the Charity in a more urban or built-up location would lose the benefits of the tranquil location of Harp Farm in addition to losing the benefit of having access to such a wide range of public rights of way. The proposed is therefore in an appropriate location for this use and does provide participants in the mental well-being programme access to the countryside in a way that could not be achieved in a more built-up area with more bus links or train access. For the reasons identified, the significant benefits provided by the location of the proposed outweigh a need for greater connectivity and as such, is appropriately located and complies with Policy SS4.
- 6.41 The site of the buildings is accessed via an existing track (approved under P194117/PA7) from Lower Mosewick Farm. Parking would be provided adjacent to existing agricultural buildings at Lower Mosewick Farm, approximately 0.15 miles to the north. The track to the building will receive minimal use by vehicles which will almost exclusively be used by those with limited mobility who require transport to the buildings via car. The proposed would also make available, easy, and safe access to external secure cycle storage in addition to an external bin storage which will be situated on the farmyard at Mosewick Farm.
- 6.42 The proposals will result in additional traffic movements to the site, however, this will not adversely affect the local highway network given parking can be provided on site. The Council's highways area engineer has raised no objections, subject to conditioning the implementation of cycle storage and as such, the proposal provides the most appropriate strategy in terms of vehicle movements, and is in accordance with the requirements of policy MT1 of the CS. Officers do not consider there to be an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not amount to severe and that the proposal accords with the principles of Section 9 of the NPPF. It is noted that there is not a specific highway policy within the Cradley NDP.

Ecology/Biodiversity

- 6.43 The proposed development strengthens existing biodiversity features and encourages a broader range of flora and fauna within the site and wider area. Policy BP4 of the Malvern Hills AONB Management Plan does acknowledge that visitor pressures have had the effect of some damage to sensitive habitat. The proposed use is small scale, overseen as part of wellbeing courses, and ensures ongoing management of site. The proposals will not therefore, result in any adverse damage due to an increase in visitor numbers and will actually result in an enhancement. The proposed planting maintains and expands upon ecological networks.
- 6.44 A detailed ecological assessment has been conducted. The assessment finds that neither of the buildings are listed as priority habitats in this area. The extent and quality of these habitats are of limited ecological importance and the loss of these habitats does not require any specific mitigation. Further to this, the surveys found that construction works will be within an area of botanically poor improved grassland and will remove small areas of scrub and ruderal plants and therefore no specific habitat mitigation is required to negate this loss. Additional hedgerow and tree planting is proposed, which will enhance and improve connectivity around the site. New planting will be a mix of native broadleaved species and be of a similar diversity to that present within existing hedgerows surrounding the site.

- 6.45 The assessment finds that the application site is of limited suitability for use by foraging bats and that suitable foraging and commuting habitat in the wider area is very unlikely to be negatively impacted by the proposed development. The assessment recognises that the buildings have some features suitable for use by roosting bats, however, it states that the suitability is sub-optimal due to both buildings being in poor condition and open to the elements.
- 6.46 Some habitat has been identified which is suitable for dormouse. The report finds that works are very unlikely to have any impact on Dormice and therefore no mitigation is required. Furthermore, there will be no lighting that illuminates the hedgerow during, and post development and the proposed landscaping will enhance the site for use by Dormice as well as improve connectivity along the hedgerow networks. The survey found potential to support a limited range of common nesting birds, but the size of the site makes the presence of large or important breeding bird assemblages unlikely. Works will take place outside of bird nesting season or after a survey by a suitably qualified ecologist.
- 6.47 The ecology report advises that the habitats on site have some limited suitability for use by Great Crested Newts and reptiles, however, reports that considering the lack of ponds around the site and low number of records of Great Crested Newts and reptiles in the wider area, it is very unlikely that Great Crested Newt or reptiles would be present on site. They find that no specific mitigation is required for these species, however, advise that a precautionary approach should be undertaken to ensure that if reptiles are present there is no impact.
- 6.48 The enhancements and recommendations set out within the Ecology report will be implemented in full and will be conditioned, at the request of the Council's Ecologist, whom raises no objections subject to drainage arrangements being clarified, although subject to no objections being raised by Land Drainage. It is clear from the Ecology Report and Landscape and Visual Assessment that the proposed would provide significant betterment to the site in ecological terms. The proposed is compliant with policy LD2, biodiversity and geodiversity, and LD3, green infrastructure, of the CS. Enhancements to the land would be seen in the short term through the works proposed within this application, but also in the long term as in addition to maintenance carried out by the farm, the mental wellbeing charity has a focus on the natural world and will teach traditional skills. The proposed will conserve and enhance the distinctive landscape in this part of the AONB and ensure that it is sustainably managed in the long term, which is in accordance with objectives LO1 and LO2, and policies LP1, LP2, LP3, LP4 of the Management Plan.

Drainage

- 6.49 Analysis of flooding from fluvial and tidal sources shows that the proposed development site is in Flood Zone 1 and hence is at low risk of flooding from events less than 1 in 1000 (0.1%) year events. The development site is within Flood Zone 1 and therefore not susceptible to flooding. Foul drainage would be served by a package treatment plant. Surface water will be dealt with via an appropriately designed soakaway system. Foul and surface water drainage arrangements are considered to be in line and accord with Policies SD3 and SD4 of the CS. Members will note that the land drainage engineer has confirmed no objections to the proposed development, following further information being submitted.

Other considerations

- 6.50 The proposal is considered to not adversely impact residential amenity of adjoining properties, which can be safeguarded to an acceptable degree, in line with Policy SD1 of the CS, consistent with Paragraphs 130 and 185 of the NPPF, having regard for cumulative impacts.
- 6.51 Comments raised by PROW and the Ramblers groups can be attached as informatives.

- 6.52 Comments raised by Natural England are noted. Members are referred to the comments of the Council's Ecologist and Land Drainage Engineer, whom confirm an acceptable surface water drainage strategy can be secured and appropriately implemented through condition.

Planning Balance

- 6.53 The scheme represents a sustainable form of development, and is acceptable in all other respects aside from the rebuilding of Harp Cottage, which is not compliant with the development plan, as the proposal would not be capable of conversion without major or complete reconstruction, which would conflict with Policy RA5(4) of the adopted CS.
- 6.54 This should be balanced against the intended use of this site. It is acknowledged that Herefordshire Council is a signatory of the Herefordshire Armed Forces Community and coordinates a cross sector Civilian Military Task Group (CMTG), whose role is to deliver aims of the covenant. This includes addressing the needs of the armed forces community in the county. The need to provide accommodation and other services to ex-service personnel is now recognised nationally and reflected in the Armed Services Covenant.
- 6.55 Paragraph 92 of the NPPF identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Paragraph 93 identifies that in order to provide the facilities and services the community needs, policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Heritage assets also bring economic benefits as Herefordshire's well preserved historic environment is a major factor in the county's quality of life. The sustainable re-use of Harp Cottage and the threshing barn and the desirability of enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, without leading to total loss should be afforded weight in the planning balance.
- 6.56 The NPPF emphasises a presumption in favour of sustainable development and sustainable development proposals that accord with the relevant local development plan should be approved without delay (paragraph 11c of NPPF). Paragraph 8 states that there are three different dimensions to "sustainable" development: economic, social, and environmental. In the context of this application, these three dimensions are considered below:

Economic – The conversion of buildings creates the opportunity for new jobs in this area for administrative and management staff in addition to qualified professionals and consultants. The proposed development will provide some employment provision of full time staff to coordinate the operations of the charity and qualified staff to operate the courses offered. This provides a diversification of employment opportunities in this rural area which is supported and encouraged by policy SS5 – employment provision, as well as during the conversion stage.

Social – The development offers a newly formed charity to establish a base. The NPPF positively encourages the conversion of redundant rural buildings where it will help support and retain services and enhance the vitality of rural communities. The rural and tranquil location of the proposed is ideal for the proposed charity use which is focused on promoting the well-being of emergency service and military personnel. The quality of the environment is an integral part of this application and a key reason why the charity has selected this location. It provides characterful buildings in a picturesque and tranquil location, surrounded by countryside and woodland which is ideal for the courses being run at the site. A core element of this design, in order to maximise the benefits of this location for the charity, is to ensure that the environmental quality and local distinctiveness as preserved and enhanced through the proposed development. This is in line with Policy SS6 of the Core Strategy which requires that development proposals conserve and enhance environmental assets which contribute positively to the county's distinctiveness. This proposal achieves this through the restoration and conversion of buildings

with heritage and landscape value, and through the sympathetic and considered layout and landscaping incorporated into the proposed.

Environmental – The proposed utilises two existing buildings which whilst are unlisted, have heritage value and positively enhance the character of the rural area. The proposal will have no adverse impact on wildlife and will contribute significantly to the ecological value of the site. It can be demonstrated that it will have no adverse environmental impacts, and that suitable water attenuation can be achieved onsite.

- 6.57 Members are drawn to Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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.”*
- 6.58 For these reasons, the requirements of Policy RA5 of the CS should be given less weight in the planning balance. There are material considerations presented weighing in favour of the scheme, which should tip the balance in supporting the scheme as a whole. Whilst this would mean taking a decision which represents a departure from the development plan, it would reiterate this Council’s continued commitment to addressing the needs of the armed forces across Herefordshire and support opportunities for such personnel and emergency services personnel, and conserve heritage assets of local value, which is considered to outweigh the policy tension with Policy RA5(4) of the CS. The scheme is acceptable in all other respects, which aside from the policy tension above, would be compliant with the development plan. The application is recommended for approval.

RECOMMENDATION

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

- 1. 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. The development shall be carried out strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission. The following constitutes the approved plans:**

- HA38690_PL_02_B (Location Plan);
- HA38690_PL_03_D (Block Plan);
- HA38690_PL_10_B (Site Plan);
- HA38690_PL_11_B (Proposed GF Plan - CONFERENCE HALL);
- HA38690_PL_12_D (Proposed FF Plan - CONFERENCE HALL);
- HA38690_PL_13_D (Proposed Floor Plans – Office);
- HA38690_PL_15_C (Conference Hall Elevations);
- HA38690_PL_16_E (Office Building Elevations); and
- 22-OP-1211 A1/001 (Proposed Site Layout);

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 CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

3. This permission shall enure for the benefit of the charity 'Reset' only and not for the benefit of the land or any other persons interested in the land.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and that the application represents a departure from the adopted development plan.

4. 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 CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be protected and retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

All hard landscaping shall be completed prior to first use of the approved development.

Reason: To safeguard and enhance the character and amenity of the area and implementation of landscaping in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies CNDP5 and CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway, in accordance with drawing number HA38690_PL_03_D. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Prior to relevant works commencing, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- A sample of the roof covering, which shall be of handmade plain clay tile;
 - A sample of the rainwater goods, to be either finished in cast iron or aluminium;
 - A sample of the brick, which shall be handmade;
 - A sample panel of brickwork, to include mortar mix, colour, joint profile and brick bond;
 - Timber frame drawings, to be submitted at 1:20 scale;
 - Joinery details at 1:2 scale, to which windows will be hardwood casements with metal opening lights; and
 - Details of the proposed glazing, which shall be non-reflective glazing and recessing of all new areas of Glazing.

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

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 CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of conditions below, none of the buildings shall be occupied until the drainage works have been completed in accordance with the approved plans and supporting information, namely in accordance with:
- Amended Location Plan 14.6.22 (Ref: HA38690_PL_02_B);
 - Amended Proposed Site Layout 14.6.22 (Ref: A1/001);
 - Land Registry Ownership Boundary 001 14.6.22;
 - Land Registry Ownership Boundary 002 14.6.22;
 - Amended Proposed Drainage Strategy 14.6.22 (Ref: A1/002 Rev A);
 - Amended Proposed Car Park Drainage Strategy 14.6.22 (Ref: A1/003 Rev A);
 - Amended Drainage Construction Details 14.6.22 (Ref: A1/004 Rev A);
 - Response to LLFA Comments 14.6.22;
 - Drainage Calculations 14.6.22;
 - Drainage Calculations 2 14.6.22; and
 - Photos from Agent 14.6.22

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy CNDP5 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

10. 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 application site 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Prior to first occupation, written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed within six months of written approval and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

12. The ecological protection, mitigation, compensation and working methods scheme, including the biodiversity net gain enhancements and management of all lighting features, as recommended in the ecology report by Turnstone Ecology dated August 2022 shall be fully implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

13. To record and inform knowledge of protected species at the site and presence in the wider locality – Malvern Hills AONB and adjacent woodland SSSI, within 5 months of completion, a copy of the final optimal period bat survey report and full records of species identified, shall be supplied in writing to the local planning authority and Herefordshire Biological Records Centre.

Reason: To ensure that all species are recorded and protected having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

14. Any external lighting proposed to illuminate the development, other than lighting shown on the approved plans, shall be submitted to and approved in writing by the local planning authority before installation.

Reason: To safeguard local and visual amenities and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies CNDP5 and CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework

Informatives

1. IP2 – The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material

considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. **INS – A I applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council’s website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>**
3. **INS – The proposed development may not have access to mains water and be reliant on a private water supply. The applicant is advised that the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard. If the supply is to be used for shared or commercial purposes including renting, the Private Water Supplies (England) Regulations 2016 specify that the water supply cannot be used until it has been risk assessed by the local authority’s private water supplies team (01432 261761) and found compliant. Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.**
4. **I06 – A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
5. **I10 – Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.**
6. **I11 – It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
7. **I50 – The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact Balfour Beatty (Managing Agent for Herefordshire Council) Public Rights of Way Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).**

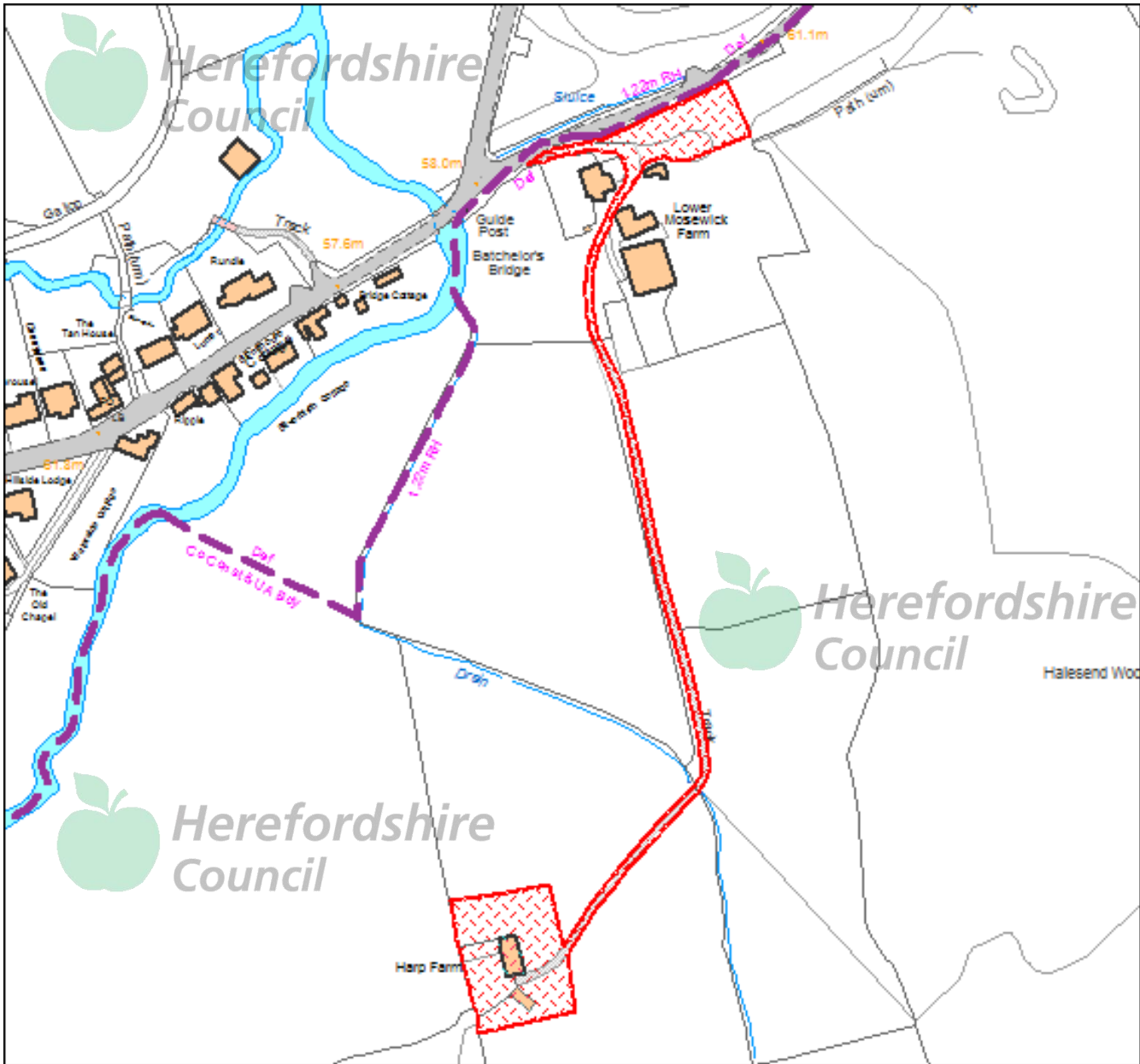
Decision:

Notes:

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Background Papers

None identified.



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

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APPLICATION NO: 212514

SITE ADDRESS : LOWER MOSEWICK FARM, BIRCHWOOD LANE, STORRIDGE, HEREFORDSHIRE,
WR6 5DU

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 NOVEMBER 2022
TITLE OF REPORT:	<p>221224/F and 221225/L - PROPOSALS TO RENOVATE AND IMPROVE THE EXISTING PAVILION BUILDING ON CASTLE GREEN TO REMOVE NON-SYMPATHETIC 20TH CENTURY ADDITIONS, TO REPLACE WITH MODERN COMMUNITY FOCUSED MULTI-FUNCTIONAL SPACES, IMPROVED YOUTH CANOE FACILITIES AND REINSTATE HISTORIC PEDIMENT & PORTICO. AT THE PAVILION CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW</p> <p>For: Mr Nugent per Mr Oliver Steels, 66 Green Street, Hereford, Herefordshire, HR1 2QH</p>
WEBSITE LINKS:	<p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221224&search-term=221224 https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221225&search-term=221225</p>
Reason application reported to Committee – Council-owned property	

Date Received: 11 April 2022

Ward: Central

Grid Ref: 351169, 239565

Expiry Date: 9th December 2022

Local Members: Cllr Jeremy Milln

1. Site Description and Proposal

- 1.1 These applications seeks full planning permission and listed building consent for renovation and improvements to The Pavilion building on Castle Green in Hereford to remove unsympathetic 20th century additions and to replace with modern community focused multi-functional spaces, improved youth canoe facilities and to reinstate the historic pediment and portico.
- 1.2 The development is proposed by The Friends of Castle Green, an active community group who are committed to respecting the heritage of Castle Green. The application site comprises the existing 'pavilion' building lying at the south-western corner of Castle Green. The building is set out over three floors with a prominent outlook over the River Wye to the south-west and direct overview of Castle Green to the east. The Pavilion is connected to the south-east end of Castle Cliffe, a private residence and guest house. Pedestrian access leads from Castle Green in multiple directions to the city centre and St James and Bartonsham areas.
- 1.3 The application submission contains a range of supporting documentation-
- Design and Access Statement
 - Heritage Assessment
 - Archaeological Assessment

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

- Lighting Impact Assessment
- Noise Impact Assessment
- Construction Environmental Management Plan
- Demolition Method Statement
- Arboricultural Survey
- Flood Risk Assessment

1.4 The proposals, as described by the applicant, seek to both revitalise the historic core of the building whilst replacing unsympathetic 20th century additions with a “*coherent, high-quality, contemporary architectural intervention*”. The existing building is Grade II listed but is in need of modernisation and improved legibility to ensure ongoing usage. The objective is to safeguard the building as a hub of activity in the local community, with the alterations designed to embrace the setting, whilst reconfiguring the operational footprint to improve its public offering.

1.5 The constraints notably influencing the determination of this application include:-

- Area of Archaeological Importance – Hereford City
- Schedule Ancient Monument (SAM) – Hereford Castle
- Grade II listed building – Castle Cliffe Hereford Association of Youth Clubs Technical College Annexe (Castle Cliffe, 14 and 16 Castle Green)
- Grade II listed building – Nelson Column (situated on the Castle Green)
- Grade II listed building – The Victoria Bridge (lying to the south-east)
- Grade I listed building – The Wye Bridge (lying to the west)
- Grade I listed building – Hereford Cathedral (lying to the north-west)
- Castle Green Unregistered Park and Garden
- Hereford (Central) Conservation Area
- River Wye Special Area of Conservation
- River Wye Site of Special Scientific Interest

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1 – Presumption in favour of sustainable development

SS6 – Environmental quality and local distinctiveness

SS7 – Addressing climate change

HD1 – Hereford

HD2 – Hereford city centre

SC1 – Social and community facilities

LD1 – Landscape and townscape

LD2 – Biodiversity and geodiversity

LD3 – Green Infrastructure

LD4 – Historic environment and heritage assets

SD1 – Sustainable design and energy efficiency

SD3 – Sustainable water management and water resources

SD4 – Waste water treatment and river water quality

MT1 – Traffic management, highway safety and promoting active travel

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

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

2.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) 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 Herefordshire Local Plan - Core Strategy was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the Core Strategy was made on 9th 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 relevant policies have been reviewed, are considered consistent with the NPPF and therefore attributed significant weight.

2.3 National Planning Policy Framework (July 2021)

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

The NPPF, together with relevant documents and revisions, can be viewed via the link below:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 The associated Planning Practice Guidance (PPG) can be accessed through the following link:

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

3. **Planning History**

3.1 There is no directly relevant planning history.

3.2 Pre-application advice (210150/CE) was however provided for “proposed extension and various other works”. The advice provided on 10th June 2021 is briefly summarised as follows.

There is huge potential to enhance The Pavilion in line with the aspirations explained in the submission, and at a higher level, policies are supportive of more efficient or enhanced use of existing destinations. The site is uniquely positioned to allow users to appreciate the riverside environment and there are clearly positive economic and social impacts associated with this.

4. **Consultation Summary**

Statutory Consultations

4.1 **Historic England**

Comments dated 5th July 2022

Historic England has no objection to the applications on heritage grounds. We have provided some advice and minor amendment comments above to assist in improvements to the design and conditioning should your authority be minded to grant planning permission.

Comments dated 6th May 2022

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the

applications to meet the requirements of paragraphs 194, 195 and 199 of the NPPF. In determining these applications you should bear in mind the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

4.2 Environment Agency

Flood Risk: The site is located in Flood Zones 1, 2 and 3 of the adjacent River Wye on the Flood Map for Planning (Rivers and Sea). There is third-party maintained natural high ground along the length of the riverbank from Wye Bridge to Victoria Bridge, providing an unknown standard of protection. We do not object to the proposed development. We have reviewed the Flood Risk Assessment by Corner Water Consulting and can confirm that it utilises the appropriate flood risk data provided by the Environment Agency including river levels generated from the River Wye model (2012) and historic flood levels.

Sequential and Exception Test Exemption: The proposed extension has an approximate footprint of 25sqm and therefore falls under the definition of a 'minor development'. As per the National Planning Policy Framework, the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site. As the proposed extension is classed as a minor development and the renovations to the existing building are to facilitate a change in use for some areas, the Sequential and Exception Tests are not required.

Finished Floor Levels: Following the EA guidance on climate change allowances for planning, flood risk assessments of less vulnerable developments should use the central 2050's climate change allowance (20% in this instance). The central 2050's nominal allowance for the River Wye is 600mm. It is advised that finished floor levels should be set no lower than 600mm above the 1% Annual Exceedance Probability (AEP) river flood level plus climate change. This 600mm freeboard takes into account any uncertainties in modelling/flood levels and wave action (or storm surge effects). The 1% AEP from the River Wye model is 51.54m AOD; and incorporating the 600mm climate change allowance is 52.14m AOD. With a 600mm freeboard, the requisite level is 52.74m AOD but in this instance the finished floor level is 53.36m AOD.

Loss of Floodplain and Cumulative Effects: The proposed renovations and construction will increase the footprint of the building by approximately 25sqm, with some of this loss of floodplain offset by the floodable void space. The nearest downstream building is located some 120m west within Flood Zone 2. Due to the wide an open nature of the floodplain at this location, there is a negligible increase in risk to nearby properties.

Flood Evacuation Management Plan: The PPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. Our involvement during an emergency would be limited to delivering flood warnings to users if they sign up to the Flood Warnings Service. We recommend you consult with your emergency planners and the emergency services to determine whether they consider the development safe.

Environmental Permit: The site is located within the vicinity of a Site of Special Scientific Interest and Special Area of Conservation. Due to these nearby sensitive receptors and proximity to the channel and location within the floodplain a Bespoke Flood Risk Activity Permit will be required.

4.3 **Welsh Water**

We would request that if you are minded to grant planning consent for the development that the conditions and advisory notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

4.4 **Natural England**

Summary: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Internationally and nationally designated sites: The application site is within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site; and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is designated at a national level as the River Wye Site of Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site (River Wye SAC) –

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI –

Based on the plans submitted, Natural England considers that the development will not damage or destroy the interest features for which the site has been notified and has no objection.

Internal Council Consultations

4.5 **Historic Buildings Officer**

Objections summarised as follows:

Despite full and pro-active heritage support for an appropriately sympathetic conservation based re-generation scheme, both now and at pre-application stage, it is considered the proposed scheme, as submitted and subsequently amended, would result in harm to the significance of the listed building group, its setting, the setting of adjacent heritage assets, and the character and appearance of the Hereford Central Conservation Area, contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As per paragraph 199 of the NPPF, the degree of harm in this instance is determined to be less than substantial. For the sake of clarity, case law has determined that this lesser degree of harm is to be considered a substantial objection in planning terms, as all harm to designated heritage assets is a serious matter. On this basis, the finding of less than substantial harm should be

afforded great weight in the planning balance. Where harm is identified, paragraph 200 requires clear and convincing justification be presented.

In addition, the scheme would fail to satisfy Policies LD1 and LD4 of the Core Strategy, namely, that proposals should demonstrate that local character has positively influenced design, scale and site selection, and that they protect, conserve and enhance assets, and setting, through sympathetic design which, where possible, emphasises original form and function.

Whilst there is place for contemporary interpretation in terms of design characteristics and materials for new additions such as those proposed, the key issues with this scheme relate to loss of original form and function in relation to the most significant parts of the building, and the scale of development in relation to the specific context of the building and site. Revisions to certain aspects of the scheme, based on detailed discussion held at meetings post-submission stage, would be required to sufficiently address heritage concerns and gain support.

Ultimately, from a heritage perspective, there is support to meet the aspirations expressed by the Friends of Castle Green Group, namely, to ensure financial viability, provide a café offering, provide flexible meeting and exhibition spaces, facilitate educational/training programmes, support music and the arts, and provide a focal point for local information and interpretation.

All these outcomes can potentially be achieved within the historic building and an appropriately designed and scaled addition, but it is this latter aspect which is key if the historic integrity of the Pavilion is to be preserved and not eroded by an addition which has commercial benefit as its overriding aspiration, which may not feed directly back into supporting the building itself.

An extension of contemporary design which is subservient to the historic façade and maintains views of the building, and points of intervisibility between it and surrounding assets, should be achievable if there is a will to do so, and it is recommended this application be withdrawn so that meaningful revisions can be made.

4.6 **Archaeological Advisor**

This application proposes invasive works that will directly, and indirectly, affect some of the county's principal and most visited monuments. There remain a small number of concerns but, on balance, it is considered these can be negotiated, and that this proposal, with some appropriate modifications, could move forward to determination.

I have no objections to the proposal, but if it is approved, rigorous archaeological conditions will be necessary and must be complied with in full.

4.7 **Ecologist**

Comments dated 28/10/22

The detailed mitigation measures in respect of potential effects from both construction phase and future operation of the completed community asset can be secured by condition on any planning permission granted. Within mitigation secured there are no identified Adverse Effects on the Integrity of the River Wye SAC (or in respect of any protected species).

The planning case officer is fully aware of what conditions will be required and how best to secure all the relevant plans, documents and recommendations for implementation within the planning permission process and it is expected that the CEMP and all supporting detailed information, designs and specifications, lighting scheme as assessed in the technical report and limitation on operating hours will be included. Based on the above information and comments and subject to relevant conditions being included there are now no ecology objections.

Comments dated 17/10/22

Additional information is required. Further clarification is required in relation to the extent to which the building works might encroach into the River Wye itself, with a request made for details on how any concrete and cements products, or any wash out/run-off of potential contaminants, will be securely mitigated from entering the river under any normal maximum flows/water levels. In addition, the lighting report requires an update to ascertain spill onto the river waterbody itself and show any light from the roof terrace. In terms of lighting effects on commuting bats during the operational phase, clarification and detailed information / mitigation specifications, including detailed opening and set-up/clear down periods, is requested.

Comments dated 26/07/22

An Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy LD2, (SS1, SS6, LD1 and LD3 also apply); the Conservation of Habitats and Species Regulations 2017 (as amended); NPPF; NERC Act 2006 obligations and considering the Council's declared Climate Change and Ecological Emergency.

Initial comments dated 12/05/22

Further information is required to inform HRA Appropriate Assessment and wider ecology.

4.8 Area Engineer

The site is located away from the highway network and the lack of vehicular access means that the access strategy will be focussed on active travel options for users of the site. The location of the site is such that this acceptable in principle. It is also noted that this building has had a number of uses in the past that would have equated to a similar trip generation, also relying on an access strategy based on active travel. When considering the active travel strategy for the site, the inclusion of secure cycle storage should be delivered if possible to allow those visiting the centre to cycle to the facility. This is particularly the case for the youth canoe facilities and the proposed pavilion renovation. It is acknowledged that these details can be secured via condition in the event that permission is granted. There are no objections from the local highway authority to the application, subject to this condition being considered.

4.9 Land Drainage Engineer

We have no objections to the proposed development. We note that the lowest threshold level of 53.36m AOD is sufficiently above the modelled 1 in 100 year plus climate change flood level of 52.14m AOD. Should the Council be minded to grant planning permission, a Flood Warning and Evacuation Plan should be provided within a suitably-worded condition.

4.10 Tree Officer

No objection subject to condition CK9 – 'Trees in accordance with plans'.

4.11 Landscape Officer

The site falls within the urban character area of Hereford City and the proposals are in keeping with this character. The changes proposed to the exterior of the building will be an improvement to the existing structure. My colleagues in the Built Environment Team are best suited to comment on the specific materials and any impacts to the setting of listed buildings and the un-registered park and garden. The Tree Officer and Ecologist will comment on the existing trees and habitats. The red line boundary, unfortunately, does not include any space for landscape improvements around the building, with the tarmac access road retained up to the new frontage. The riverside boundary will need to be in accordance with habitat and flooding requirements.

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

5. Representations

5.1 Hereford and Worcester Gardens Trust

The HWGT regards Castle Green as the most precious open space in the city of Hereford. Not only does it vibrate with antiquity but it is also one of the earliest public promenades in England. This is the only building on the Green; Castle Cliffe House representing the medieval usage of the site and the adjoining pavilion emblematic of nearly three hundred years of recreational activities. The HWGT applauds the progress made by the Friends of Castle Green to restore and adapt this scarred institutional building for its renewed role as the focus for public life on the Green. The café will undoubtedly be a great success and complement the social use of the rest of the building. The Friends and their architect have produced a very thoughtful scheme which generally enhances the Regency fabric, which among English styles of architecture is the most light-hearted brand of classicism. The most significant challenge here is to apply new character to the utilitarian structures added thoughtlessly to the canoe centre in the mid-20th century. This was a challenge which, on the whole, has been met successfully. The east elevation from across the Green produces an interesting composition with a touch of 1930s sea-side architecture. The west elevation from across the river also works well and the roof terrace with its inventive balustrade is a fine touch and on fine days this will become one of the most popular venues in Hereford; being such a cheerful sight for those perambulating the walks on both sides of the river. From the point of view of the terrace walk along the Castle Cliffe – one of the ‘principal walks in the Kingdom’ according to the earliest Hereford guide books – the south east elevation of the of the building is particularly sacred. The 1950s ensemble today is dull and depressing and new designs acknowledge this. The restoration of the c.1830 portico is well contrived and the steel framed windows continue the 1930s theme revealed on the east elevation. However, the treatment of building above the canoe store seems to lose its way a little. The copper cladding with its zigzag motif seems oppressive and the fenestration clashes with the original sash windows on the stuccoed range behind. Similarly, the utilitarian door giving access to the balustraded terrace seems out of place. Surrounded by stucco and classical pediments this modern intrusion seems awkward and intrusive when viewed from the terrace walks. Given that it masks the pilastered facade of the 1830s building something more overtly sympathetic should be considered. Apart from these minor criticisms this is an excellent scheme, which will make a major contribution to the polite lifestyle of Hereford and, hopefully, inaugurate a revival of Castle Green. In horticultural terms we look forward to a floristic climax, replicating the wonderful planting visible on Late Victorian and Edwardian postcards.

5.2 Support was expressed by 14 local residents

These matters are summarised to include the rejuvenation of this iconic building; enhancement of the canoe club facilities; the contemporary design quality; sympathetic nature of the proposal relative to the historic setting; boost to the local economy through jobs and a visitor attraction; positive impact on mental health and wellbeing for those living locally; social benefits associated with the enhanced community spaces and connection to the Castle Green; removal of ugly 20th century additions and restoration of period features such as the portico/pediment; a safe place to enjoy the river and its tranquillity; making better use of an underutilised facility and providing potential for educational benefits; provision of accessibility to all through the WC and lift facilities; and the successful mechanism for separating the new from the old via a glazed link.

5.3 The consultation responses can be viewed on the Council’s website using the following links:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221224&search-term=221224
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221225&search-term=221225

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

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

6. Officer's Appraisal

Policy context and principle of development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration. The Hereford Area Plan (HAP) was intended to set out detailed proposals to ensure the delivery of the targets for the City in the adopted Core Strategy. However, following the decision to update the Core Strategy, a decision was taken to stop work on the HAP.

6.3 The general principle of enhancing the use and accessibility of The Pavilion with a view to making it an attractive multi-use riverside destination as part of the 'Stronger Hereford: Town Investment Plan', is afforded support at a strategic level, under Policy HD2 of the Core Strategy. This promotes a wide range of opportunities to enhance Hereford's role and whilst this does not refer specifically to The Pavilion or the River Wye, it offers support to proposals that will provide new and improve existing attractions that protect, conserve and enhance heritage assets.

6.4 In addition, Policy SC1 of the Core Strategy addresses proposals that are looking to retain and enhance existing social and community facilities. Upon review, no tension is apparent with this policy, and opportunities have been taken to promote accessibility on foot, cycle and public transport and to provide publicly accessible toilets where practical.

Design, visual amenity and built heritage (above ground interest)

6.5 The Pavilion at Castle Green is a Grade II listed building which adjoins Castle Cliffe; it has 13th - 14th century origins relating to the Hereford Castle complex, but the majority of its extant historic fabric relates to 18th, 19th and 20th century phases of development. The Building Conservation Officer's comments helpfully set out the various extant building phases and ascribe a level of significance to each one from an external perspective. It is situated within the Central Conservation Area, the Castle Green Unregistered Park and Garden, and at the south-western edge of the Hereford Castle SAM. The Building Conservation Officer's comments identify a range of other heritage assets within 350m of the site, with the majority sharing a common setting.

6.6 The earliest building phase remaining with a sufficient degree of completeness is the southern range (added in 1829). This has the highest level of significance based on its architectural, aesthetic, historical and associational merits. Although somewhat obscured by later additions, its eastern facade retains many of its architectural features, including pilasters, architrave, blind niche, and both ground floor windows; all of which are important to its integrity and legibility.

6.7 Areas to the north of the 1829 addition have a lower level of significance due to the degree of change experienced during the 20th century. However, the refaced stone gable has merit as it has remained relatively unaltered and presents its own aesthetic character which has some material continuity with Castle Cliffe; whilst the portico remains as a strong visual presence at ground level, albeit in its infilled form, and a reminder of its earlier incarnations. Internally, the southern range retains its original layout and much of its historic fabric, including sash windows, window panelling, canted bay windows, staircase, timber flooring, plasterwork and room proportions. Whilst the 1920's adaption of the Keeper's Cottage retains its aperture treatments and impressive room proportions, other features and fabric of importance may remain obscured behind existing surface finishes. Elements of negative value which harm significance, include the flat-roof extension above the enclosed portico and the extension to the riverbank lavatory block

area. Nonetheless, even in its altered form, the building makes a positive contribution to setting and its footprint remains largely as depicted in 19th century mapping.

- 6.8 The heritage concerns are acknowledged in relation to the scale of the café extension; the roof form and inclusion of a roof terrace; the loss of a blind' niche architectural feature; the portico fenestration and mezzanine level seen within; external materiality and conserving listed building details; the impact of inserting a lift on historic fabric and sub-division of the kitchen and reading room spaces; as well as the use of spaces within the listed building and operational aspects of the café/exhibition/artists spaces. Although your Officer attaches varying degrees of harm to these matters, the merit of the issues raised and the great weight to be attributed to overall 'less than substantial' harm to this heritage asset overall is not disputed. That said, it is considered that the benefits of the proposal appear to have been undervalued in the heritage appraisal, particularly in terms of the gains associated with removal of the unsightly modern additions.
- 6.9 Turning to the wider setting and the current sense of tranquillity that prevails in this riverside location in the conservation area, the addition of a roof terrace may serve to erode that quality. Nonetheless, a condition regarding operational hours can limit any adverse impacts and the findings of the noise impact assessment were "*negligible effect*". In relation to the experience when approached on foot from the south-east, it is possible to experience the riverscape towards Wye Bridge and this would be impinged upon to some degree at close range. Historic England has commented that whilst there is an element of harm to setting, this is comparatively limited. A greater degree of harm arises by virtue of impact on views of The Pavilion whilst crossing the Victoria Bridge and intervisibility being eroded by the extension proposed.
- 6.10 A planning balance, taking a holistic view of social, economic and environmental considerations, including the direct harm to assets and harm to setting is set out within the conclusions drawn below. It is also considered that conditions can be used to limit the harm arising to some degree. For instance, a condition is to be recommended requiring information relating to the condition of historic fabric internally and externally and an associated schedule of remedial works and specification for any sound insulation for practice spaces and other events. A further condition is recommended in respect of the two new kitchens, to secure details of ventilation and mechanical extraction including design and precise locations.
- 6.11 Taking a wider design perspective on the application, the scheme represents a bespoke and architect-led approach to the renovation and extension of a building that is in need of attention and investment. Improvements have been secured to the scheme as part of the application process and whilst this has not resolved the heritage concerns identified by the Building Conservation Officer, the proposal still represents a good standard of design; notably adopting a lightweight appearance and sense of visual separation to conserve some of the significance of the southern range in views along the riverside walk and whilst crossing Victoria Bridge. Moreover, the restoration of the pediment to the portico is welcomed and given proportionate weight as a benefit of the scheme.
- 6.12 In relation to design and materiality comments provided by Historic England, initial concerns have been substantively addressed. The position of the proposed structure in relation to the river has been addressed through setting it back relative to the projection of the adjacent elevation of the southern range. Moreover, a condition can be used to address concerns that the use of stone to match that in historic components may cause confusion in interpretation when the site is viewed from the south river bank. As the use of stone is preferred in this riverine setting, the applicants propose to use shallower slips of matching stone, with two courses to each of the adjacent historic courses, to differentiate new from old. The condition will require a sample panel to be prepared prior to commencement of works on this elevation.

Archaeological interest

- 6.13 The proposal involves the removal of non-sympathetic 20th century additions that include the extensions on the east side of the building, the removal of the portico infill and the removal of

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

addition above the portico. The site lies within the extent of Hereford Castle, a medieval castle that occupies the location of a former monastic site and was later landscaped to form a public park. Much of the area of the castle is a scheduled monument (NHL ref. 1005530) that was designated in 1960. The proposal is located within the scheduled monument and will require scheduled monument consent in addition to planning permission.

- 6.14 The Pavilion is perched above the River Wye in a particularly prominent and sensitive location. The buildings that are affected by this proposal are butted against Castle Cliffe House (HER ref. 7292), a surviving part of the castle structure and one of the oldest residences in the city. The entirety of the application site, indeed much of historic central Hereford, is formally designated as an Area of Archaeological Importance (AAI). The sensitivity of the location means almost any change here has the potential to harm the historic environment.
- 6.15 Following pre-application discussions, the applicants have provided extensive archaeological documentation to explain and justify the changes contemplated. The submitted documentation comprises the archaeological component of the Heritage Assessment, the detail given in the Archaeological Assessment and the indicative metrical data provided at various points in the supplied plans and elevations. The documentation is of good quality and adequate for the purposes of paragraph 194 of the NPPF, concerning the requirement to supply a level of detail sufficient to understand the potential impact of the proposal upon significance.
- 6.16 Given the detail already supplied, particularly the level of confidence that can now be attached to the depositional history of the riverbank here, further information is not essential at this stage. Clarification has been provided in relation to the potential need for ground reduction that may be necessary within the existing building and the groundworks that might be needed in relation to drainage and other service infrastructure. The principal foundation works that will be required (new pads and associated ground beams) are adequately described in the documentation, and if subject to full archaeological mitigation, will be acceptable in practice. The potential for impact from construction access and facilitation of work has also been addressed through a CEMP, demolition method statement and associated drawings. It will nonetheless be necessary to include a pre-commencement condition requiring an updated and definitive CEMP.
- 6.17 Your Officer is satisfied, taking on board the specialist consultee responses, that conditions can be imposed to require suitable high level archaeological intervention, in accordance with both national and local policy including paragraph 205 of the NPPF. Given that the site is partly scheduled, there is a need for Scheduled Monument Consent to be obtained.

Ecology and HRA assessment

- 6.18 The initial ecological issues have, through a collaborate process, been resolved through the application process. In relation to the Habitat Regulations, the site lies directly adjacent to the River Wye SAC. Based on supplied information, any additional foul water flows created by the development are likely to in the majority be generated by existing residents or users of overnight holiday accommodation within the SAC catchment. All foul water will continue to be managed by a mains sewer connection managed through the Eign WWTW. In relation to surface water, no significant additional flows were identified. Based on this, effects from both foul and surface water flows were screened out at Stage 1 of Appropriate Assessment.
- 6.19 In relation to the potential for additional noise and lighting, through increased and intensified use of the building, the supplied lighting and noise reports demonstrate with scientific certainty that there will not be a material increase in noise and light impacting the River Wye SAC, including the river surface and immediate surrounds, despite additional glazing and a roof terrace. The timing of use, as proposed, can be controlled by a suitably worded condition. The proposal thereby safeguards light and noise sensitive species such as fish and otters and no adverse effects were thereby identified on the SAC designation in these respects.

- 6.20 Turning to construction and demolition processes, the CEMP document (as amended) has been accepted by the Council's Ecologist and considers an appropriate range of effects, including terrestrial effects and impacts on the aquatic/associated habitats related to the River Wye SAC. This was essential due to the proximity of the works to the river, including demolishing existing structures and sub-ground construction works to create new structural walls and a canoe chute.
- 6.21 The HRA appropriate assessment subsequently prepared by the Council's Ecologist was issued to Natural England as part of the requisite consultation process. The 'no objection' response received sets out agreement to the conclusions of the appropriate assessment. Conditions are recommended to ensure compliance with the CEMP and supporting information, designs and specifications; the lighting scheme as assessed in the technical report; and operating hours.
- 6.22 The comments for lighting/noise in respect of the HRA process apply equally to potential effects on the known local bat populations that utilise the river corridor area and Castle Green open space for foraging and commuting as part of their core sustenance zone. Again, appropriate safeguards and certainty has been secured through the technical reports to demonstrate that there would be no effect on bat foraging or commuting.
- 6.23 In relation to the bat survey report by Arbtch (dated 14/06/22), utilising surveys within the first half of optimal survey season, this does not record any bat roosting within the existing building. As species recorded in the area, including Soprano Pipistrelles, are known to opportunistically move roosts during the summer maternity season, all works to areas with potential bat roosting features should always be progressed on a precautionary basis, including during autumn and winter as potential hibernation-over wintering bats may be present. Although the LPA has no reason to include a specific bat protection condition, a condition is justified to require the bat roosting mitigation/enhancement specified in the bat report to be incorporated into a wider Biodiversity Net Gain scheme, including bird nesting features.

Other matters

- 6.24 Turning to highway safety, the site is located away from the highway network and the lack of vehicular access means that the access strategy will be focussed on active travel options for users of the site. The location of the site is such that this acceptable in principle given the lawful existing use of the building, which would also rely on active travel. No objections were raised by the local highway authority subject to a cycle parking condition being applied.
- 6.25 With regard to residential amenity, it is considered that the proposal would have no significant bearing on the use of Castle Cliffe, a private residence and guest house; based on the findings of the noise report and subject to a condition restricting operational hours.
- 6.26 In relation to flood risk, there are no objections to the proposal, notwithstanding the location of the site adjacent to the river. The lowest threshold level of 53.36m AOD is above the modelled 1 in 100 year plus climate change flood level (with 600mm freeboard) of 52.74m AOD. A Flood Warning and Evacuation Plan (FWEP) should nonetheless be provided within a suitably-worded condition, as recommended by the Land Drainage Engineer.
- 6.27 Finally, for the purposes of sustainability and policies concerning climate change, improving upon the existing building performance is an important aspect of the works. It is evident that the proposed floor plan arrangements will ensure rooms can continue to be naturally purge ventilated throughout, with the main public spaces benefitting from mechanical extract and heat recovery ventilation where required. Such systems present energy efficient space heating / cooling and fresh air cycling within the building, working in conjunction with the grant funded Water Source Heat Pump installed in the basement. A brise-soleil would be used to provide solar shading and maintain ambient conditions in the new café space.

Conclusion and planning balance

- 6.28 In considering this application, careful regard has been had to the statutory duties of the Council in respect of conserving listed buildings and their settings, maintaining the character and appearance of the conservation area and safeguarding the interest features of the River Wye SAC. The objection raised by the Council's Building Conservation Officer was of particular concern in arriving at a recommendation for approval. However, a holistic view has been taken of the social, economic and environmental aspects of the proposal.
- 6.29 This is in accordance with the advice found at paragraph 202 of the NPPF, insofar as where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.30 In support of the Officer recommendation, the benefits alluded to in local representations are reinforced. It is also stressed that the scheme has been found to be acceptable by all other statutory/technical consultees, notably Natural England, Historic England and the Council's Archaeology Advisor and Ecologist. From a built heritage perspective, whilst observing the various harms cited, the amended scheme would conserve the integrity of the historic parts of the building from important aspects through its carefully evolved design and by reason of the fact it would secure the removal the unsympathetic mid to late 20th century additions. Although the roof form and terrace, and to some extent the external materials, may well divide opinion, your Officer takes the view that this contemporarily designed structure will acceptably harmonise with the building, whilst introducing an important multi-functional community space.
- 6.31 As a result of the works, the long-term viability of this community facility would be enhanced, likely ensuring that enjoyment of The Pavilion by the local community will be secured for future generations. The works would provide an economic boost to the area and environmentally the scheme would protect the significance of Hereford Castle SAM and avoid adverse impacts on the River Wye SAC and associated protected species. Once implemented, the scheme would leave the site in a more socially inclusive and welcoming state than it is currently found.
- 6.32 In light of the foregoing, notwithstanding the great weight to be given to the identified 'less than substantial' harm to heritage assets, the proposal accords with the development plan read as a whole, which is not outweighed by any other material considerations. It is therefore recommended that planning permission and listed building consent be granted.

RECOMMENDATION

- a) **221224/F – That planning permission be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:**

1. **C01 – Time limit for commencement (full permission)**
2. **C07 – Development in accordance with the approved plans**

ES017 E(0)001 – Site Location Plan and Site Plan
ES017 P(0)001A – Proposed Block Plan and Site Plan
ES017 P(0)002C – Proposed Sub Ground Floor Plan
ES017 P(0)003B – Proposed Ground Floor Plan
ES017 P(0)004B – Proposed First Floor Plan
ES017 P(0)005B – Proposed South East Elevation
ES017 P(0)006B – Proposed South West Elevation
ES017 P(0)007B – Proposed North East Elevation

ES017 P(0)008B – Proposed Section AA
ES017 P(0)009B – Proposed Section BB
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Façade
ES017 P(0)024 – Copper Cladding Precedent
ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use
ES017 P(0)026 – Proposed Site CMP: General Works
ES017 P(0)027A – Proposed Site Scaffold Layout
ES017 P(0)028A – Proposed Canoe Chute Details

3. The development hereby permitted shall be carried out in strict accordance with the Lighting Impact Assessment (Rev. P02) by Services Design Solution Ltd dated 26th October 2022 and associated appendices (as also updated). At no time shall any external lighting except that approved within these documents be installed or operated in association with the approved development without the prior written approval of the local planning authority.

Reason: To safeguard the amenity of the area and to ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SD1, LD1, LD2, LD3 and LD4.

4. The approved Construction Environmental Management Plan (v2) dated October 2022 and updated appendices / supporting CMP plans, and the Demolition Method Statement dated 16th June 2022, shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To protect the significance of the Hereford Castle SAM site and to ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies LD1, LD2, LD3 and LD4.

5. The community focused multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.

Reason: To safeguard the amenities of the locality and to ensure that all species and the local intrinsically dark riverside setting are protected having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.

6. C48 – Archaeological survey and recording
7. C50 – Groundworks and foundation design
8. CB2 – Secure covered cycle parking provision
9. CDD – Evacuation management plan
10. No surface water from any increase in the roof area of the building and/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

11. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the Arbtech - Tree Protection Plan (TPP 01).**

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. **The bat roosting mitigation/enhancement measures specified in the Bat Survey Report prepared by Arbtech dated 14th June 2022 shall be incorporated into a wider Biodiversity Net Gain scheme (including bird nesting features) to be submitted to and approved in writing by the local planning authority prior to first use of the development. The approved scheme shall be implemented and maintained in full hereafter unless otherwise approved in writing by the local planning authority.**

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

13. **CBK – Restriction on hours during construction**

INFORMATIVES:

1. **IP2 – Approval following revisions**
2. **I01 – AAI notification**
3. **I17 – Need for prior scheduled monument consent**
4. **The site is located within the vicinity of a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Due to these nearby sensitive receptors and proximity to the channel and location within the floodplain a Bespoke Flood Risk Activity Permit will be required from the Environment Agency.**
5. **I25 – Council ownership**

- b) **221225/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:**

1. **CE7 – LBC time period**
2. **C07 – Works in accordance with the approved plans**

**ES017 E(0)001 – Site Location Plan and Site Plan
ES017 P(0)001A – Proposed Block Plan and Site Plan
ES017 P(0)002C – Proposed Sub Ground Floor Plan
ES017 P(0)003B – Proposed Ground Floor Plan
ES017 P(0)004B – Proposed First Floor Plan
ES017 P(0)005B – Proposed South East Elevation**

ES017 P(0)006B – Proposed South West Elevation
ES017 P(0)007B – Proposed North East Elevation
ES017 P(0)008B – Proposed Section AA
ES017 P(0)009B – Proposed Section BB
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Facade
ES017 P(0)024 – Copper Cladding Precedent
ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use
ES017 P(0)026 – Proposed Site CMP: General Works
ES017 P(0)027A – Proposed Site Scaffold Layout
ES017 P(0)028A – Proposed Canoe Chute Details

3. With the exception of any site clearance and groundwork, no further works shall take place until details and/or samples of materials to be used externally on walls, roofs and fenestration have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include colours and finishes. The works 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 SS6, SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

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

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

6. No works in relation to the new stonework shall commence until a sample panel(s) of all new facing stonework has been provided on site at a minimum size of 1m x 1m and showing the proposed stone types, sizes, colour and texture; and pointing mortar mix, joint thickness and finish profile. Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly. The approved sample panel(s) shall be retained on site until the work is completed.

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

7. **No works shall commence in relation to the new timber door onto the roof terrace until precise details of its joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include 1:2 details and sections and 1:20 elevations; the method & type of glazing; and the colour scheme/surface finish. The works shall be carried out in accordance with the approved details.**

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

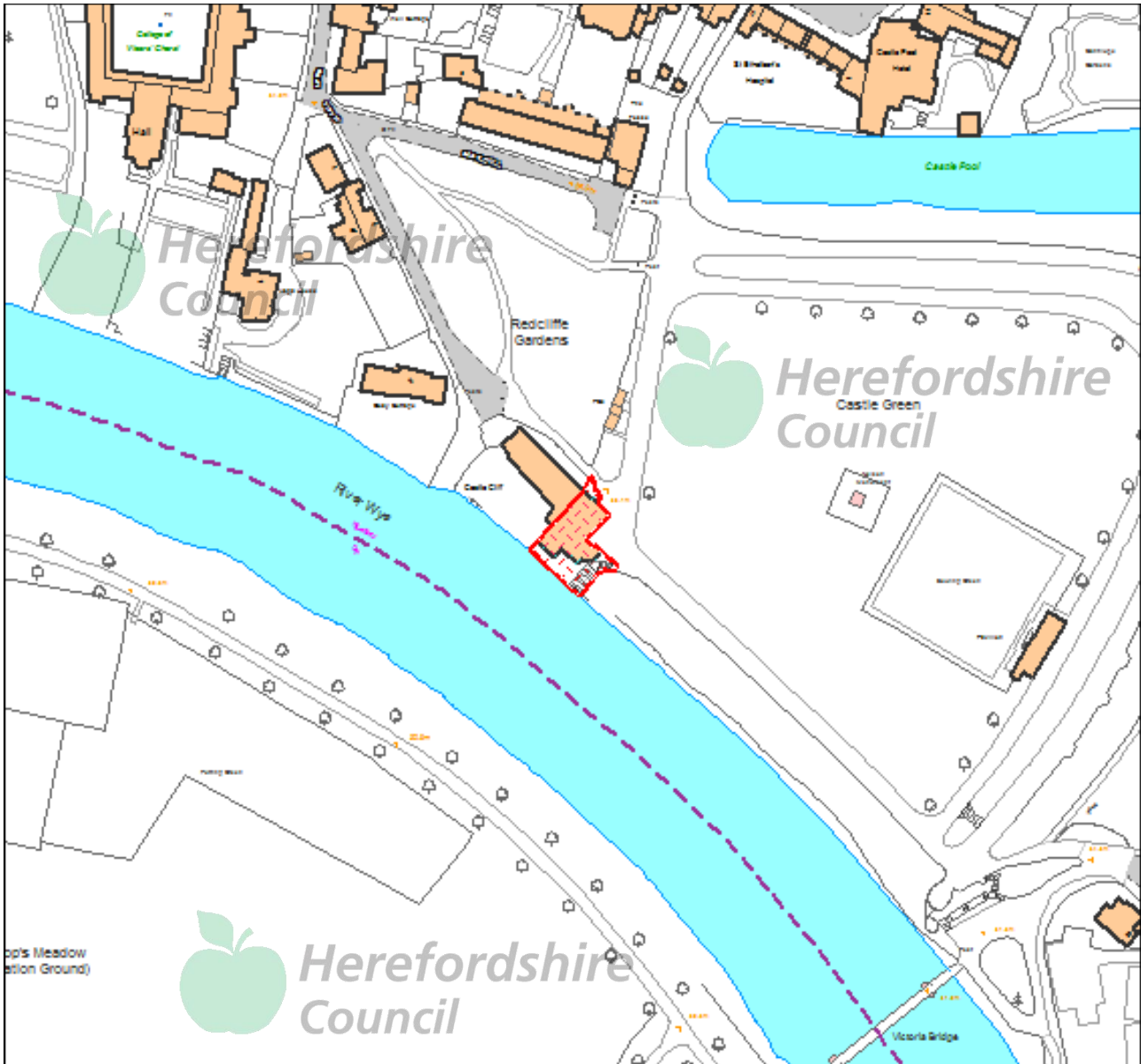
Decision:

Notes:

.....

Background Papers

None identified.



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APPLICATION NO: 221224/F / 221225/L

SITE ADDRESS : THE PAVILION CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 NOVEMBER 2022
TITLE OF REPORT:	221708 - RENOVATION, RECONFIGURATION AND SIDE EXTENSION TO CREATE A MODERN FAMILY HOME AT TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HR9 6JE For: Mr & Mrs Oliver per Miss Kirsty Sullivan, Summit House, Suite 2, 5 Gold Tops, Newport, NP20 4PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221708&search-term=221708
Reason Application submitted to Committee – Redirection	

Date Received: 24 May 2022

Ward: Kerne Bridge

Grid Ref: 357113,219040

Expiry Date: 8 August 2022

Local Members: Cllr Yolande Watson (Cllr Wilding acting as proxy)

1. Site Description and Proposal

- 1.1 Ty Llan Dre is a relatively modern semi-detached property at the end of a cul- de-sac in the village of Goodrich. The property lies within an area of mixed character with detached and semi-detached properties of varying age and scale. It is located within the vicinity of several designated heritage assets. To the south-west is the Grade II listed Goodrich House and to the east is St Giles Church which is Grade II* listed. The site also lies wholly within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 The application relates to a proposed two storey extension on the east elevation of the property. The extension would have a footprint of 61.39 square metres (9.19 metres in length and 6.68 metres in width) with a ridge height of 7.73 metres.

2. Policies

- 2.1 Herefordshire Local Plan- Core Strategy
 SS1 – Presumption In Favour Of Sustainable Development
 SS6 – Environmental Quality And Local Distinctiveness
 LD1 – Landscape And Townscape
 LD2 – Biodiversity And Geodiversity
 LD4- Protecting And Conserving Heritage Assets
 SD1 – Sustainable Design And Energy Efficiency

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

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

- 2.2 Goodrich and Welsh Bicknor Group Neighbourhood Development Plan made 28 June 2019
Policy GWB1- Promoting Sustainable Development
Policy GWB2: Conserving the Landscape and Scenic Beauty within the Wye Valley AONB
Policy GWB3: Enhancement of the Natural Environment
Policy GWB4: Protecting Heritage Assets

The Goodrich and Welsh Bicknor Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/17289/neighbourhood_development_plan_march_2019.pdf

- 2.3 National Planning Policy Framework (NPPF)
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:

Chapter 2 – Achieving sustainable development
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 16 – Conserving and enhancing the historic environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- 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 DCH962619/F- New Entrance Porch. Approved 20 June 1996

4. **Consultation Summary**

Statutory Consultations

- 4.1 **Historic England Received: 04 July 2022**

Thank you for your letter of 17 June 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

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

Internal Council Consultations

4.2 **Principal Natural Environment Officer (Landscape)**

The site falls within the Wye Valley Area of Outstanding Natural Beauty (AONB). The landscape character type is principal settled farmlands. The site is an established residential plot within the southern half of the Goodrich settlement, around Goodrich Church.

It is disappointing that the application proposals make no assessment of the proposed changes on the immediate surroundings, or on how the new design will integrate with the existing built form. No photographs have been provided and no landscape design is included.

The scale of the building is increasing significantly, however it is retained within the existing residential boundary and will not change the overall character of the area.

There are clear views of the village and the site itself from public viewpoints on Coppet Hill (particularly the east elevation of the building). The scale of the building will not automatically be a detracting feature within the built form of the area, however the design and external finish of the proposals must be carefully considered. As currently shown the roof material isn't specified, the apparent timber boarding would not be in-keeping and the colour render has not been specified. The natural stone chimney appears stuck on the end, rather than integrated in to the building, where natural stone appearance is typical of the village dwellings. An environmental colour assessment and materials palette should be created in order for the new larger dwelling to integrate appropriately into the surroundings.

If the application is to be approved then a materials and landscape condition should be added.

No development shall commence, including site clearance and ground works, until a landscape scheme and external materials palette, is submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) *Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.*
- b) *Trees and hedgerow to be removed.*
- c) *All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.*
- d) *All existing and proposed hardstanding and boundary treatment.*
- e) *All external materials are fully specified.*

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

These comments are also provided in relation to the Wye Valley AONB Management Plan, where the development strategic objectives support high standards of design but that they must complement, conserve and enhance the local landscape character and distinctiveness (see policy WV-D2 and D3). Protecting the existing boundary vegetation will be essential and if there

is space for a suitable new garden tree this will enhance the natural environment as well as filter views of the built form.

4.3 **Principal Building Conservation Officer**

Initial Comments

Ty Llan Dre sits in a cul-de sac of 1970's style houses within the settlement of Goodrich. Although the site sits above the parish church of St Giles, the church is screened by quite dense planting and is distanced from the site by a paddock.

There are nearby listed buildings but these are also screened by planting. It is my opinion therefore that the proposal would not result in harm to the setting of the church and neighbouring listed buildings and therefore there is no reason to object to the proposal on heritage grounds.

Amended Comments

The proposal relates to the renovation, reconfiguration and side extension to create a modern family home at Ty Llan Dre which a semi-detached property with Pantry Cottage situated to the west of St Giles Church Grade II* which contains a number of listed buildings within the Churchyard.

I would refer to paragraph 200 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, grade I and II* listed buildings, should be wholly exceptional.

In accordance with paragraph 195 of NPPF, I would refer to the guidance prepared by Historic England The Setting of Heritage Assets – Historic Environment Good Practise Advice in Planning Note 3, [HEGPAN 3] in respect of how to assess setting, which should have been utilised in the assessment of the setting of heritage assets.

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

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

Significance is defined in the Glossary of the National Planning Policy Framework as. “The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.

Historic England The Setting of Heritage Assets – Historic Environment Good Practise Advice in Planning Note 3, [HEGPAN 3] advises 5 steps to be considered when assessing setting.

1. Identify which heritage assets and their setting are affected.
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage assets.
3. Assess the effects of the proposed development whether beneficial or harmful on that significance,
4. Explore the way to maximise enhancement or minimise harm
5. Make and document the decision and monitor outcomes.

The listed buildings in proximity to the property are;

UID 1157263 St Giles Church grade II*
 UID 1099461 Chest Tomb against North wall of St Giles,
 UID 1348920 Eyles Monument against North wall of St Giles,
 UID 1348922 Isabella Ann Wolfe memorial 6m n of St Giles,
 UID 1099462 Fisher Monument 10m n of St Giles,
 UID 1099469 Elizabeth Roberts Headstone 35m W of west tower at St Giles
 UID 1157272 Stone Bench 18m East of St Giles,
 UID 1178392 Enriched Headstone 20m SE of organ Chamber of St Giles
 UID 1099465 Harper Monument 10m SE of Chancel of St Giles
 UID 1099468 Jennings Headstone 9m SE of Chancel of St Giles
 UID 1157279 Edwards Monument 1m s of Organ Chamber of St Giles
 UID 1178433 Tovey Monument 0.25m from south wall of St Giles
 UID 1157275 Chest Tomb against south wall of nave east of porch of St Giles
 UID 1099470 Ann Weaver Headstone 2m SE of south porch of St Giles
 UID 1348919 base of churchyard cross 2m south of south porch of St Giles
 UID 1099460 Chest Tomb 12m south of south porch of St Giles
 UID 1099467 Group of 6 headstones to west of south porch of St Giles
 UID 1178493 Group of 3 headstones 3m SW of south porch of St Giles
 UID 1099466 Group of 4 headstones 10m SW of south porch of St Giles
 UID 1099464 Gritton Monument approx. 30m W of west tower at St Giles
 UID 1099463 group of 2 Fletcher Memorials approx. 5m W of west tower at St Giles
 UID 1178383 group of 2 chest tombs 4m SW west tower at St Giles
 UID 1178377 William Fisher monument 2m W of west tower at St Giles
 UID 1178387 Gwilliam Monument 35m W of west tower at St Giles
 UID 1348921 Miles Monument 35m W of west tower at St Giles
 UID 1178426 Pedestal Tomb 35m W of west tower at St Giles

UID 1099430 The Old Vicarage
 UID 1348943 Upper Granton
 UID 1099428 Goodrich House

I would refer to the checklist in the guidance prepared by Historic England The Setting of Heritage Assets – Historic Environment Good Practise Advice in Planning Note 3, [HEGPAN 3] in respect of an assessment of the second step on page 11 of the above document, which refers to the contributions made by its setting and includes amongst other considerations; Surrounding landscape character, Views from towards, through across and including the asset, Visual dominance prominence or role as a focal point.

For ease of reference and given the relative heights of the memorials and monuments within the churchyard, I am grouping both the consideration of the Church and the listed structures within the churchyard (37 in number) in the consideration in terms of the setting of the church itself.

The property is sited to the west of the church and separated from the church and its listed structures by an area of paddock. The garden to the property is bounded by trees and there are intervening trees in the garden of Church House.

The property is one of approximately 2 dozen properties centred in a settlement around the church of varying ages, sizes and materials.

I would refer to the checklist in respect of an assessment of the third step on page 13 of HEGPAN 3 which refers to amongst others; Proximity to asset, Position in relation to key views; to from and across.

Prominence, dominance, or conspicuousness,
Materials, colour, texture reflectiveness etc.

The proposed extension is to the east of the property and faces the Church. The church steeple is visible from the garden of the property, however proposal will read as an extension to the existing residential property. The elevation facing the church will be a pitched roof lower than the existing ridge and with an external chimney.

UID 1099430 The Old Vicarage is sited to the south of the Church and there is limited inter-visibility between the proposal and The Old Vicarage.

UID 1348943 Upper Granton is sited with the gable facing Church Pitch and some distance from the road with 2 other adjacent properties closer to the road; Chycarne and Granton Lodge. These properties and their boundary treatments in part screen the view of Upper Granton from Church Pitch.

UID 1099428 Goodrich House is an imposing property of three storeys and parapet. Approached from the road via a long drive, despite its height the property is not readily visible from the road. However the rear is visible from the access road that serves the application site. The application site is to the east of Goodrich House and the proposed extension is to the east of the property. The siting of the extension and the slight reduction in the ridge height of the extension would result in the proposed extension and the listed building not having a degree of inter visibility from public vantage points.

Conclusion

Significance is defined in the Glossary of the National Planning Policy Framework as. “The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.

Ty Llan Dre is within a cul-de-sac of 1970’s style houses within the settlement of Goodrich. Although the site sits above the parish church of St Giles, the church is screened by quite dense planting and is distanced from the site by a paddock.

There are nearby listed buildings but these are also screened by planting. It is my opinion therefore that the proposal would not result in harm to the setting of the church and neighbouring listed buildings and therefore there is no reason to object to the proposal on heritage grounds.

As such I would consider that the proposal would comply with Section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF and Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, and LD4

5. Representations

5.1 Goodrich and Welsh Bicknor Group Parish Council

Original Comments- 08 July 2022

The parish council objects to the application due to the approximate doubling in size of the existing property, which will unduly dominate, to the detriment of the area.

Revised Comments 02 September 2022

The parish council objects to the application due to the approximate doubling in size of the existing property, which will unduly dominate, to the detriment of the area

Additionally, the parish council makes the following observations, continues to object strongly, on the following grounds:

- The plans provided within the application are a small scale when printed on a size available to the PC, and are therefore difficult to read and understand
- The latest amended plans represent a very minimal change following the initial feedback, that in no way fundamentally changes the impact of the proposals on neighbouring properties and the surrounding area.
- The proposed extension is huge
- The property has already been extended considerably historically, so this further proposed extension could represent an overall increase in size of possibly 400%
- The proposal is not sympathetic to the area and will dwarf neighbouring properties
- This huge house will be visible from Coppett Hill and the Church
- The Parish Council would like input from the conservation officer, given the impact on the overall area, within the AONB
- The Parish Council considers that this application should be considered by the planning committee, given the considerable impact on neighbouring properties and the risk of setting a precedent

5.2 Third Party comments in objection (as summarised by the case officer)

A total of 14 letters have been received from third parties. The concerns raised can be summarised as follows:

- Concerns over scale and contemporary design
- Impact on residential amenity (Overbearing and Overshadowing Impacts)
- Impact on views of the Church

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221708&search-term=P221708/FH

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

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Goodrich and Welsh Bicknor Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 28 June 2019.

Scale, Design and Appearance

- 6.3 Policy LD1 is of relevance to this proposal and requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development. The proposal is also considered against Policy SD1 of the Core Strategy which relates to the design of new buildings including garages. The policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development.

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- 6.4 Policy GWB1 states that development should ensure it fits sensitively into the landscape of the Wye Valley AONB; reflects local character and features while supporting innovation and diversity. In addition to this the proposal must respect the natural, built and historic environment within the Parish and conserve and enhanced the local distinctiveness. Policy GWB2 states that within the Wye Valley AONB development should not harm the character or scenic beauty of the landscape, its landscape features, important views, wildlife habitats or cultural heritage.
- 6.5 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 (a) of the NPPF states that Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.6 The proposal represents an overall increase in the footprint of the property of approximately 61 square metres. As amended it measures 9.19 metres in length, and 6.68 metres in width
- 6.7 By reason of the level changes on the site, the roof of the extension would be lower than the existing ridge height of the property. The proposed extension is relatively large but would not result in a scale of development that is conspicuously larger than other dwellings in the locality and in this context it is not considered that the proposal would have an adverse impact upon the wider landscape nor character of the area as the site is well screened by the existing vegetation and the existing dwelling. It is considered that the character and scenic qualities of the Wye Valley Area of Outstanding Natural Beauty would not be adversely impacted, this view is supported by the Landscape Officer subject to conditions.
- 6.8 The proposed contemporary design is considered acceptable. The existing dwelling has no particular architectural merit and owing to its 1970s appearance, the extension is considered to compliment this and would represent an improvement to the host dwelling and be more in keeping with the styles of the dwellings within cul-de-sac, which as identified above is mixed in character.

Residential Amenity

- 6.9 Policy SD1 states that development must safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.10 Paragraph 119 of the NPPF states that *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.* Paragraph 130(f) of the NPPF states that *development must create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 6.11 Ty Lan Dre has four immediate neighbouring properties.

Copper Tops (South)

- 6.12 Copper Tops is located around 28 metres to the south of Ty Llan Dre. In view of this, there are no concerns with regard to overshadowing nor overbearing owing to the distance between the properties. With regard to overlooking the proposed extension would be in line with the front garden of the property. It is noted that there are existing windows in this elevation which do not overlook the adjacent property with well-established vegetation present to the south of the site.

There would be no material change in the ability to overlook this property as a consequence of the proposed extension and as such no adverse effects on privacy.

Goodrich House (West)

- 6.13 It is noted that the proposal would not protrude beyond the western wall of the existing dwelling as such it would not create any additional vantage points which would overlook the property. It is also considered owing to the topography of the site with Ty Llan Dre sitting at a lower level, it would impact upon the property with regard to overshadowing nor overbearing impacts.

Pantry Cottage (West)

- 6.14 The proposal does not protrude beyond the front wall of the existing dwelling and as such it does not create additional windows nor vantage points which would look on to the property. The property would not be overshadowed nor would there be adverse impacts with regard to overbearing as a consequence of the proposed siting of the extension.

The Timbers (North)

The Timbers which would be 28 metres to the north of the site. It is not considered that the proposal would result in any overbearing or overshadowing, owing to the distance from the property. The distance between the proposed extension and the neighbouring property means there would be no unacceptable overlooking of this property thought would affect the residential amenity of the neighbour in a manner that would warrant refusal. It is also supported by the addition of additional vegetation proposed by the applicant which will provide additional screening to the northern elevation.

Ecology

- 6.16 Policy LD2 of the Herefordshire Local Plan- Core Strategy states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire.
- 6.17 It is noted that the proposed area for development would sit on an area of existing hardstanding to the East of the property, it is considered that there would be no adverse harm to the ecological network as a consequence of the proposal. It is noted that should protected species be identified then an accredited ecologist should be consulted and work should cease. In line with Policy LD2 of the Herefordshire Local Plan- Core Strategy the proposal should represent a biodiversity enhancement it is recommended that two site appropriate bird boxes be placed on site prior to occupation of the extension.

Protecting and Conserving Heritage Assets

- 6.18 Policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and their settings through appropriate management, uses and sympathetic design.
- 6.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
- 6.20 Policy SS6 states that Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the

effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy.

- 6.21 Policy GWB7 states that the significance of heritage assets and their settings within the group parish will be preserved and enhanced through resisting development that would adversely affect the following Scheduled ancient monuments and their settings. In addition to this, Ensuring every effort is made to retain and conserve buildings and heritage assets of local importance, including traditional rural buildings.
- 6.22 The proposal has not attracted any objection from the Building Conservation Officer, who has concluded that the proposal would not adversely impact upon the listed historic assets within Goodrich. The church is screened by quite dense planting and is distanced from the site by a paddock and the nearby listed buildings but these are also screened by planting. It is concluded that there would be no harm to the setting of the church and neighbouring listed buildings.

Conclusion

- 6.23 When the proposal is assessed against the made development plan, it is considered that the proposal is compliant with regard to all relevant planning material considerations as outlined by Paragraph Eight of the National Planning Policy Framework. It is therefore concluded that the proposal is recommended for approval.

RECOMMENDATION:

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

1. **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. **The development shall be carried out strictly in accordance with the approved plans (JW1076-102 C) except where otherwise stipulated by conditions attached to this permission.**

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

3. **Prior to the first occupation, of the extension hereby permitted, and at all times thereafter, the windows indicated as obscured on the approved plans shall be glazed with obscure glass only and shall be non-opening. The obscured glazing shall be retained in perpetuity.**

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

4. **No development shall commence, including site clearance and ground works, until a landscape scheme and external materials palette, is submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:**

- A. All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- B. All existing and proposed hardstanding and boundary treatment.
- C. All external materials are fully specified.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

Prior to first occupation of the extension hereby approved, evidence of the suitably placed installation within the site boundary of at least two bird nesting boxes for a site appropriate range of bird species shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: 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, LD2 and LD3.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “Higher Status Protected Species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect

locally dark landscapes and associated public amenity and nature conservation interests.

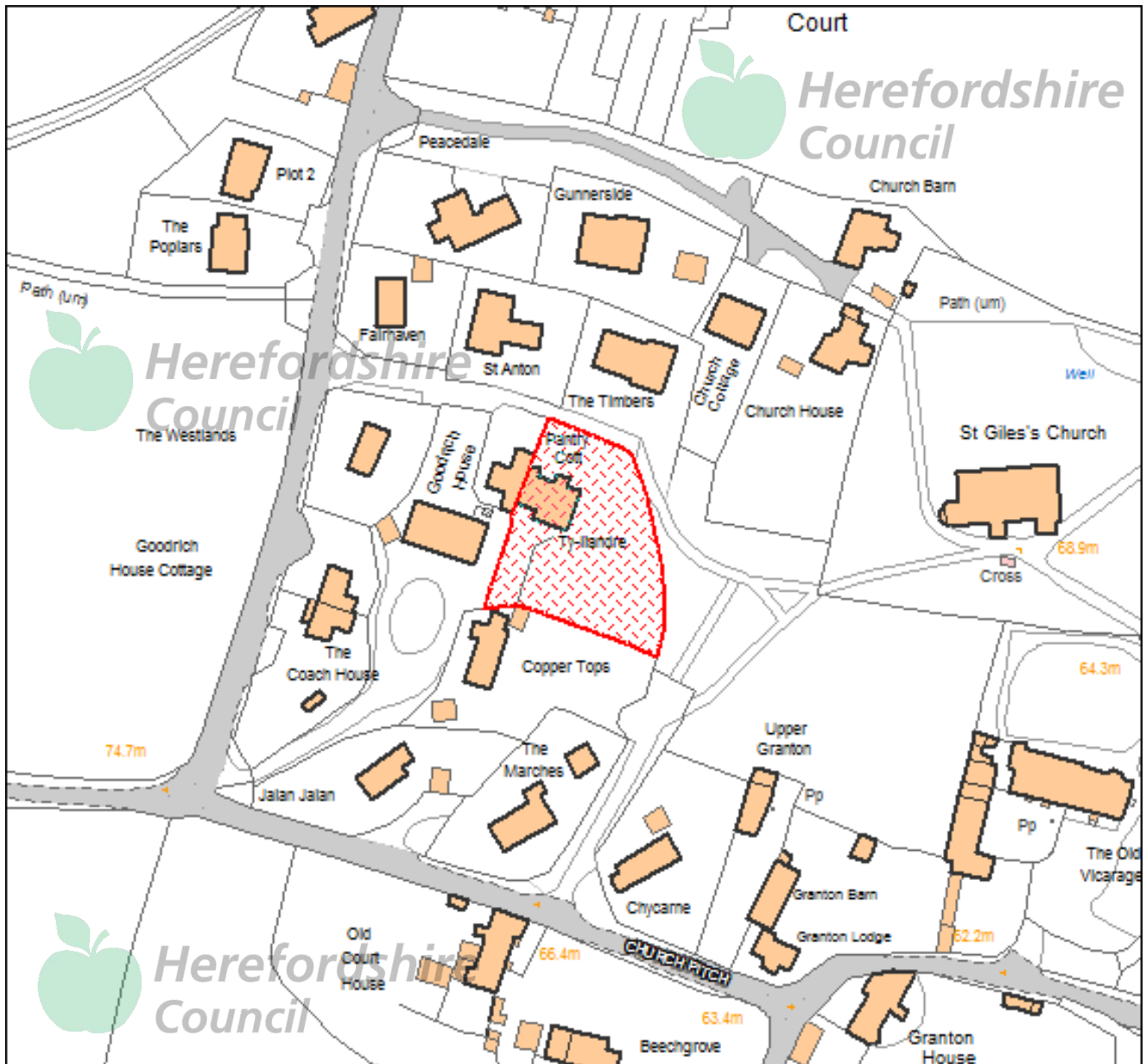
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 221708

SITE ADDRESS : TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JE

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Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

