

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 4 September 2024**

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Time: **10.00 am**

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

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Matthew Evans, Democratic Services Officer**

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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](mailto: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 Clare Davies**

**Councillor Polly Andrews**  
**Councillor Bruce Baker**  
**Councillor Dave Boulter**  
**Councillor Jacqui Carwardine**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Elizabeth Foxton**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Richard Thomas**  
**Councillor Mark Woodall**

## Agenda

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	<b>PUBLIC INFORMATION</b>	
	<b>GUIDE TO THE COMMITTEE</b>	
	<b>NOLAN PRINCIPLES</b>	
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2.</b>	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of items on the agenda.	
<b>4.</b>	<b>MINUTES</b> To approve the minutes of the meeting held on 21 August 2024.	13 - 20
<b>5.</b>	<b>CHAIRPERSON'S ANNOUNCEMENTS</b> To receive any announcements from the Chairperson.	
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<b>7.</b>	<b>DATE OF NEXT MEETING</b>  Date of next site inspection – 3 October  Date of next meeting – 4 October	



# The Public's Rights to Information and Attendance at Meetings

## 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).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## Travelling to the meeting

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>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.



### 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 Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

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 Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 21 August 2024 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Clare Davies (vice-chairperson)

**Councillors:** Bruce Baker, Chris Bartrum, Dave Boulter, Simeon Cole, Matthew Engel, Catherine Gennard, Peter Hamblin, Roger Phillips, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

**In attendance:** Councillors Highfield

**Officers:** Legal Adviser\*, Development Manager Majors Team and Team Leader Area Engineer\*

\*denotes virtual attendance.

**17. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Polly Andrews, Jacqui Carwardine, Dave Davies and Elizabeth Foxton.

**18. NAMED SUBSTITUTES (IF ANY)**

Councillor Chris Bartrum acted as a substitute for Councillor Andrews.

Councillor Matthew Engel acted as a substitute for Councillor Foxton.

Councillor Roger Phillips acted as a substitute for Councillor Dave Davies.

**19. DECLARATIONS OF INTEREST**

There were no declarations of interest at this stage of the meeting, please see paragraph 21 below.

**20. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 17 July be approved.

**21. 233134 - LAND OFF GREEN STREET, HEREFORD, HR1 2RB (Pages 7 - 8)**

*Councillor Catherine Gennard left the committee to act as the local ward member for applications 233134 and 240480.*

The Senior Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda. A verbal update of representations received following the circulation of the update sheet was provided<sup>1</sup>.

In accordance with the criteria for public speaking, Mr Milln, spoke on behalf of Hereford City Council, Mr Steel spoke in objection to the application and Mr Gammond spoke in support.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, she explained that the right of way across the site was popular and the area was an important setting to demarcate the urban area from the countryside. There was a scheduled ancient monument on Bartonsham Meadow and there were extensive views from the area across Dinedor and Aconbury Hills. The proposed development would have an unacceptable impact upon the local setting and the application contained insufficient detail regarding the proposed planting/screening of the housings which would take a significant time to become established. The development would restrict the width of the entrance to the Meadow to 4 metres which was felt to be too narrow for vehicles seeking access. Alternative sites for the housings existed but it was not the role of the committee to suggest such amendments to the application. The applicant had supplied limited noise data regarding the impact of the development on local residential amenity but the assessment was insufficient and the application did not take proper account of the low level hum produced from the development. There was very little supporting information or assessments concerning the application. A refusal of the application was encouraged due to the unacceptable impact on the landscape, contrary to core strategy policies LD1, SD1, LD4, SS6 and HD2.

The committee debated the application and the following principal points were raised:

- The position of the development in the entrance to the site caused an unacceptable impact on the landscape and was an impediment to access to the meadow.
- The impact of the development upon key views from the site was unacceptable.
- The impact of the development upon the setting and character of the local area was unacceptable.
- The benefit of the removal of the existing pylons was recognised but there was insufficient detail in the application to assuage concerns regarding the impacts of the development and inconsistency with core strategy policies LD1, LD4 and SS6.

Councillor Matthew Engel declared a non-disclosable personal interest as a share holder in National Grid. The level of shareholding did not meet the threshold as a disclosable pecuniary interest in the councillor code of conduct.

The local ward member was given the opportunity to close the debate.

Councillor Roger Phillips proposed and Councillor Richard Thomas seconded the refusal of the application due to the unacceptable impact of the development on the landscape contrary to core strategy policies LD1, SD1, LD4, SS6 and HD2.

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

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<sup>1</sup> Reference was made to additional representations received from local community groups. To correct the information contained in the updates supplement and the presentation to the committee reference should have been made to St James and Bartonsham Community Association and not Friends of Bartonsham Meadows.

**RESOLVED: That the application is refused due to the unacceptable impact of the development on the landscape contrary to core strategy policies LD1, SD1, LD4, SS6 and HD2.**

**22. 240480 - ST DAVIDS HALL, SYMONDS STREET, HEREFORD, HEREFORDSHIRE, HR1 2HA**

The Senior Planning Officer provided a presentation on the application.

In accordance with the criteria for public speaking, a statement from Mr Lane, in objection to the application, was read to the meeting.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, she explained that the change of use of the building to a homeless shelter had been accepted and it was queried whether a site management plan could be imposed in the conditions.

The committee debated the application and the following principal points were raised:

- The application had established the need for the facility and its continued operation.
- It was noted that the application was for temporary permission and it was urged that the local authority seek a permanent, long-term provision.
- The visual impact of the building upon the local area was raised and consideration of screening of the development was encouraged in future.
- A change to the conditions to limit the length of the permission from a period of 5 years to expiration in 2026 was raised to provide an impetus to the local authority to advance plans for a permanent facility. The proposed change to the conditions was not seconded and therefore was not moved.

The local ward member was given the opportunity to close the debate.

Councillor Richard Thomas proposed and Councillor Simeon Cole seconded the approval of the application in accordance with the case officer's recommendation.

The motion was put to the vote and was carried unanimously.

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

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

**Approved Plans:**

- **Location Plan - 7NA2 Rev V2;**
- **Existing site plan - 7NA2 PODS 1.1 V4;**
- **Existing layout plan - 7NA2 1.2 V1;**
- **Existing layout elevations - 7NA2 1.3 V1;**

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

2. **No surface water from any increase in the roof area of the building /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 and to comply with policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

3. **This permission shall expire 5 years from the date of this permission, after which the use hereby approved shall permanently cease.**

**Reason: To enable the local planning authority to give further consideration to the acceptability of the proposed use after the temporary period has expired and to comply with Policy (specify) of the Herefordshire Local Plan- Core Strategy and the National Planning Policy Framework.**

#### **INFORMATIVES:**

1. **A The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **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 (roosts whether bats are present or not), Badgers, 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.**

*Councillor Catherine Gennard resumed her seat on the committee.*

#### **23. 233135 - EARDISLEY CHURCH OF ENGLAND PRIMARY SCHOOL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NS**

The Development Manager North Team provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking, Mr Bowman, spoke on behalf of Eardisley Group Parish Council and Mrs Layton spoke in objection to the application.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, he explained that there was an objection to the development due to its location within the local conservation area and in close proximity to the grade 1 listed church and Victorian school. The location of the development had a significant and adverse impact on highways safety. The shelter was positioned next to a busy,



complicated 4-way junction which was regularly used by pedestrians, particularly parents and children accessing the school. The position of the shelter limited the view of the roads and oncoming traffic of both motorists and pedestrians using the junction. The junction served a large industrial estate with a number of traffic movements including HGVs. The splays at the junction were inadequate and the limited views caused by the shelter raised the possibility of accidents caused by motorists making mistakes.

The committee debated the application and the following principal points were raised:

- There was division in the committee regarding the acceptability of the application.
- Some members of the committee recognised that existing highways concerns existed at the junction by the school and highway safety could be addressed with the introduction of lower speed limits and better signage. It was felt that the need for the shelter had been established in the application.
- It was the contention of other members of the committee that the location of the shelter was problematic and posed an unacceptable impact upon highway safety. The shelter restricted the view of motorists and pedestrians which increased the risk to pedestrians and children which was unacceptable and contrary to the Eardisley Group Neighbourhood Development Policy (NDP) policies T1 and T2.
- The impact of the shelter on existing heritage assets was acknowledged. Some members of the committee felt that its impact on the local environment was unacceptable and contrary to NDP policy E2. It was the contention of other members of the committee that in the event that permission was granted the shelter should be painted in a colour that was complementary to existing, proximate buildings.

The local ward member was given the opportunity to close the debate. In summary, he explained that there was sympathy for the school but the location of the shelter restricted views from the junction and had an unacceptable impact upon highways safety.

Councillor Roger Philips proposed and Councillor Peter Hamblin seconded the refusal of the application due to: an unacceptable impact on highways safety, contrary to Eardisley Group NDP policies T1 and T2; and an unacceptable impact on local heritage assets and the village character, contrary to NDP policy E2.

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

Councillor Stef Simmons proposed and Councillor Bruce Baker seconded the approval of the application, subject to the inclusion of a condition to require the painting of the shelter to ensure it was complementary to the local heritage assets and village character.

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

**RESOLVED: That planning permission be granted subject to the following conditions, a condition to require the painting of the shelter to a colour complementary to local heritage assets and village character and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **The development shall be carried out strictly in accordance with the approved plans drawing nos. 412-01, 412-02, 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.**

**INFORMATIVES:**

- 1. IP1 Application Approved Without Amendment**

The meeting ended at 12.12 pm

**Chairperson**

**233134 - PROPOSED TWO PURPOSE BUILT TRANSFORMER HOUSING (STANDARD GRP GREEN GLASS FIBRE POLYESTER RESIN HOUSING) EACH SAT ON CONCRETE PLINTHS FOR FLOOD PROTECTION WITH SUBSTATIONS INSTALLED INSIDE EACH HOUSING TO SUPPLY ELECTRICITY TO WELSH WATER, LOCAL RESIDENTS AND BUSINESSES. EACH GLASS FIBRE POLYESTER RESIN HOUSING IS: WIDTH 3300MM, DEPTH 2400, AT LAND OFF GREEN STREET, HEREFORD, HR1 2RB.**

**For: Mr Wesley Gammond, Unit 1, Skylon View, Rotherwas, Hereford, Herefordshire HR2 6LB**

#### **ADDITIONAL REPRESENTATIONS:**

1 further objection from the ~~Friends of Bartonsham Meadows~~ St James and Bartonsham Community Association received in relation to the committee report raising points as follows:

- The site is not a “small parcel of land”;
- There is no cycle path and cyclists do not use the meadows;
- The overhead power lines are not considered to be as visually intrusive as the substations – they are like telegraph poles – weather, brown wood and fade into the trees and wider view. The existing transformer does not obstruct views and acts as a roost for birds;
- The Master Plan cited has not been mentioned by the Hereford Wildlife Trust as part of their plans for the meadows. Their plans involve a process of restoration to floodplain and wildlife meadow with annual cutting and seeding with wildflowers. There is no talk of a cycle path, nor active travel measures or those mentioned in the committee report;
- Soft landscaping measures around the substations will further obstruct views;
- There was no mention of substations when the removal of the overhead wires was announced;

The full contents have been published to the website:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=233134&search-term=233134](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233134&search-term=233134)

**OFFICER COMMENTS:** The “small parcel of land” referred to is the application site area defined by the red line location plan and does not attempt to describe the wider nature reserve site. The Master Plan referred to is a consultation draft published by the Council in 2023. It does not hold full weight as it has not been adopted, but it gives the most recent proposals for the site as part of the wider City Master Plan.

**CORRECTION TO COMMITTEE REPORT:** Para 6.5 of the report – there is a typo in the final sentence which should read as follows:

Their removal will be of considerable benefit to the visual appearance of the whole nature reserve and this should **now** be afforded significant weight in your Officers view.

#### **DESCRIPTION OF DEVELOPMENT:**

Schedule of Committee Updates

The noise information received has been checked with the agent and it has come to light that, although there will be two GRP housing units, there will actually only be one transformer inside one of them (to replace the pole mounted one) and the other housing unit will contain the switch gear (that enables them to control the supply by switching off certain circuits and limit impact to properties and businesses). This is a reduction in the proposal so does not require consultation, but will require the agent to agree for the description of the development to be amended before a decision is issued.

Members should therefore be aware that the proposal is only considering one transformer unit and not two, although this does not change the proposed plans or the external appearance of the units.

**CHANGE TO RECOMMENDATION:** It is requested to delegate to Officers under the Scheme of Delegation for the description of the application to be amended, to reflect the proposal for only one transformer unit being proposed as set out above and in discussion with the agent, prior to a decision notice being issued.

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 SEPTEMBER 2024</b>
<b>TITLE OF REPORT:</b>	<p><b>232851 - PROPOSED RESTORATION AND RESIDENTIAL USE OF THE FARMSTEAD AT AUBREYS INCLUDING: THE CONVERSION OF AND EXTENSION OF THE EXISTING FARMSTEAD, PROPOSED DETACHED BUILDING FOR GARAGING, WORKSHOP AND PLANT STORAGE, EXTENSIVE LANDSCAPING AND REWILDING OF THE WIDER SITE, THE INSTALLATION OF AN ACCESS TRACK AND ASSOCIATED WORKS AT AUBREYS, TO THE WEST OF THE MOUNTAIN ROAD, LLANVEYNOE, LONGTOWN, HR2 0NL</b></p> <p><b>For: Ms Gardner per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232851">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232851</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 26 September 2023    Ward: Golden Valley    Grid Ref: 327439,233041**  
**South**  
**Expiry Date: 23 November 2023**  
Local Members: Cllr Matthew Engel

**1. Site Description and Proposal**

- 1.1 The application relates to a site located towards the northern end of the Olchon Valley on the lower slopes of Hatterrall Hill/Offas Dyke Path on the England-Wales border. It comprises a derelict farmstead which includes a farmhouse, threshing barn, cow house, hay barn and surrounding land. The site is accessed by a field gate from the U75004, known as the Olchon Valley Road or Mountain Road. The farmstead is 110m up slope from the field access and is not presently served by a road or track.
- 1.2 The site lies on the eastern edge of the Black Mountains and Adjoining Woodlands Special Wildlife Site (SWS). The site is not within a nationally designated landscape but is undoubtedly of high sensitivity in terms of the scenic quality of the surrounding countryside. It is categorised as within and Council’s Landscape Character Assessment as Ancient Border Farmlands/Ancient Timbered Sandstone landscape type.
- 1.3 The proposal is for the restoration of the remnants of the farmhouse and farmstead and its extension and alteration to provide a 3 bed dwelling. In addition to this a detached outbuilding (workshop/utility/plant room and tractor store) is proposed on land to the north of the existing group. The application also proposes a twin tracked agricultural style access road from the existing field entrance that would skirt along the northern edge of the lower field before crossing two watercourses and continuing to a parking area adjacent to the proposed outbuilding.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 1.4 In addition to the restoration and new build elements extensive landscaping/re-wilding (informed by a Biodiversity Net Gain Metric) is proposed together with a new private package treatment works.
- 1.5 The application is accompanied by a Planning Statement (TT Planning), Design Statement (Rural Office), Landscape Statement and Strategy (mhp Chartered Landscape Architects), an Arboricultural Impact Assessment (H.E.C), Heritage Statement, Heritage Impact Assessment (both by Rural Office), Phase 1 Preliminary Ecological Appraisal with associated update (H.E.C), a Herptile Survey (Nigel Hand Central Ecology on behalf of H.E.C), a Biodiversity Net Gain Assessment (Ecus Ltd) and a Surface and Foul Water Strategy (H+H Drainage). These documents have where necessary been updated to reflect the changes to the scheme that have taken place during its consideration.

## 2. Policies

### 2.1 The Herefordshire Local Plan Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- RA5 - Re-use of rural buildings
- RA6 - Rural economy
- MT1 - Traffic Management, highway safety and promoting active travel
- E3 - Homeworking
- 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

### 2.2 Longtown Group Neighbourhood Development Plan (NDP)

- Policy LGPC 4 Residential Use Associated with Historic Farmsteads
- Policy LGPC 6 Supporting Local Enterprise
- Policy LGPC 8 Highway Design Requirements
- Policy LGPC 9 Protection and Development of Public Rights of Way
- Policy LGPC 12 Protecting and Enhancing the Landscape and its Features
- Policy LGPC 13 Protecting Heritage Assets
- Policy LGPC 14 Foul and Storm Water Drainage

### 2.3 National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 4. Decision-making
- 9. Promoting sustainable transport
- 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

- 2.4 The Core Strategy and 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/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

<https://www.herefordshire.gov.uk/directory-record/3081/longtown-group-neighbourhood-development-plan>

- 2.5 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 and the review process is currently underway. 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 most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

### 3. Planning History

223196/F Proposed restoration and extension of the farmstead and the erection of a new building to create a live work unit; and associated landscaping and engineering works including a new access track. Refused 24 July 2023

The reasons for refusal were as follows:

1. The proposed 'new barn' is not considered to be a truly subservient and ancillary addition to the function of the main farmstead, by virtue of its scale and proposed use. The unit would provide facilities beyond what could reasonably be considered home working, in conflict with Policy E4 of the Herefordshire Local Plan - Core Strategy. Additionally the structure would represent a substantial addition of new build form and associated hardstanding to the restored farmhouse and barn conversions beyond what would be accepted under Policy RA5 of the Herefordshire Local Plan - Core Strategy. This is exacerbated by the cumulative impact of the proposed extensions and increased roofline of the barns which would result in a substantial extension and additional built form to the modest farmstead as existing. Therefore, the proposal conflicts with the requirements of the aforementioned policies as well as Policy SD1 of the Herefordshire Local Plan - Core Strategy and LGPC4 of the Longtown Group Neighbourhood Development Plan with regards to inappropriate scale and subservience.
2. The proposed development, by virtue of the scale of the new built form and the introduction of a winding access track, would fail to respond to the landscape character and key features of the Ancient Border Farmlands landscape type appearing out of keeping within the setting. The proposal would not have a positive impact on the landscape and does not conserve or enhance the natural, historic or scenic beauty of the Olchon Valley or the important, adjacent, Brecon Beacons National Park. Additionally, the proposed landscaping scheme would introduce planting out of keeping with the valley and the historic field patterns. Therefore, the proposal is in conflict with Policy LGPC 12 of the Longtown Group Neighbourhood Development Plan, Policies SS1, SS6 and LD1 of the Herefordshire Local Plan Core Strategy and Chapter 15 of the National Planning Policy Framework.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

3. The proposal is located within and directly impacts a Local Wildlife Site, the Risk Impact Zone for the Black Mountains SSSI, the Olchon Farm Meadows SSSIs, and partially in the Black Mountains Woodland SWS. In the absence of appropriate supporting information to evidence that there is no alternative solution or appropriate mitigation and/or compensation can be secured, the application fails to meet the requirements of Policies LD2 and SS6 of the Herefordshire Local Plan – Core Strategy, and Chapter 15 of the National Planning Policy Framework.

#### **4. Consultation Summary**

##### ***Statutory Consultations***

##### **4.1 Natural England**

NO OBJECTION

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

Natural England's advice on other natural environment issues is set out below.

##### **Internationally and nationally designated sites**

The application site is within the catchment of the River Wye which is part 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 'Habitats Regulations'.

The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. 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 - No objection**

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. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. 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 – No objection**

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

##### **Other advice**

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

#### 4.2 Welsh Water

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from The Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

#### 4.3 Forestry Commission

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons and a suitable compensation strategy exists*" (National Planning Policy Framework paragraph 180c).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "*Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.*"

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether

or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

### ***Internal Council Consultations***

#### **4.4 Principal Natural Environment Officer (Landscape)**

##### **4.4.1 Comments received 15/11/23**

I have reviewed the pre-application advice, previous application (ref 223196) and the current application document. Despite the noticeable reduction in scale of the new building and parking area and the narrower new access track, many of the previous landscape comments still stand.

It is agreed with the Landscape Strategy (LS) that the local landscape character is of high value and that the sites landscape sensitivity is high. The proposal introduces changes to the landscape through increasing the scale of the existing structures, adding an extension to the existing structures, introducing a new barn and parking area, adding a new access track and associated pedestrian access, morning terrace, steps, banked landscaping and cottage garden. It will introduce cars, movement, colour and noise to a far greater extent than the historic farm use.

It is considered that the magnitude of impact of the development on the landscape (as per table 6 of the submitted LS) would be medium – high, as it *'introduces a prominent and partially uncharacteristic feature to the landscape'*. This is due to the length of time the site has been abandoned and the large extent of works required to make it habitable in the twenty first century. The proposals will interrupt the historic field patterns. It is a prominent position high on the hillside. Combining the high sensitivity of the landscape and the medium – high magnitude of change would result in a moderate negative impact, where the proposal would be at variance to the existing landscape, out of scale with the local pattern and landform. This is due to the new extensions, buildings and land forming that are required as part of this scheme. In this landscape character area it is important to protect the key characteristic of the distinctive medieval field pattern which is one of the most ancient in the county. The proposed residential curtilage shown on the existing site and location plan (dwg no 177, 0101) does not seem to take any account of the existing fields or proportions. It is also one of the most undisturbed parts of England, with a strong sense of tranquillity and dark night skies. Its remote character based on little new development or transport infrastructure should be respected with only the most light touch of changes.

The site is not degraded in landscape terms, in fact the derelict stone structures make a positive historic reference in the wider setting. While some gapping up of hedgerow and restoration to meadow would be welcome, this could be achieved without the introduction of the development and does not out-weigh the negative landscape impacts described above. The additions of woodland, scattered trees and two new ponds are biodiversity enhancements, but will further alter the landscape setting, drawing the eye to the area rather than integrating the residential use.

Overall it is not considered that the proposals conform with Core Strategy Policy LD1 as the development does not demonstrate that the character of the landscape has positively influenced the design or scale of the dwelling and associated infrastructure. It will not conserve or enhance the natural, historic or scenic beauty of the setting of the Brecon Beacons National Park due to the scale of the buildings and the alterations to the field pattern. It is not considered that a suitable landscape scheme could overcome these negative impacts on the landscape character. It is noted that there are other planning policies that support redevelopment of this particular site, however in landscape terms the increased, modern infrastructure required to do so would require the most humble of approaches, with no impact on the landscape.

##### **4.4.2 Comments received 5/3/24**

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

I have reviewed the updated drawings. I welcome the changes to the landscape proposals, which cover removal of the stock proof fencing, which would have created an artificial 'garden' boundary and removal of the ponds and scattered trees which did not sit comfortably with the surrounding landscape character. The reduced height of the Hay Barn also reduces the visual impact of the development. The vehicle track drawing shows the minimum intervention possible for access, although I'm concerned that the earthworks required will still have a large impact to the natural topography and visual amenity of the area and that no details of crossing the watercourses have been provided.

As previously stated, however, it is not considered that the proposals conform with Core Strategy Policy LD1 as the development does not demonstrate that the character of the landscape has positively influenced the scale of the dwelling and associated infrastructure. It will not conserve or enhance the natural, historic or scenic beauty of the setting of the Brecon Beacons National Park due to the scale of the buildings and the alterations to the field pattern. It is not considered that a suitable landscape scheme could overcome these negative impacts on the landscape character due to the extension to the existing structures, introducing a new barn and parking area, adding a new access track and associated pedestrian access, morning terrace, steps, banked landscaping and cottage garden. It will introduce cars, movement, colour and noise to a far greater extent than the historic farm use.

If the application were to be approved, it is requested that conditions are added to cover:

- Removal of permitted development rights within the red line area. This is to reduce the spread of residential paraphernalia, such as sheds, greenhouses, seating areas or other structures or earthworks, without further planning issues being considered.
- A detailed hard and soft landscape scheme, including any boundary treatments for the immediate setting around and between the buildings (e.g. the morning terrace and steps, the cottage garden, banked landscaping and footpath link to the parking area).
- Detailed design of the vehicle access track where it crossed the watercourse.
- Tree and hedgerow planting at the vehicle entrance in mitigation for vegetation cover removed for the visibility splay requirements.
- Implementation of the recommendations within the submitted HEC Tree survey, arboricultural impact assessment and tree protection plan.
- A combined landscape and ecological management plan to cover the whole site (ideally the blue line), including new and existing woodlands, meadows, watercourses and hedgerows.

This information is required 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

#### 4.4.3 **Comments received 20 June 2024**

I note the updated proposals which remove the proposed 'family room' extension. It is noted that this does reduce the impact of the development in terms of being more suitable to the typical scale of built form in the area and reducing the visual impact closer to that of the existing buildings.

It is also noted that redevelopment of this property would necessitate new vehicle access, parking and other infrastructure. However, as previously noted, it is these elements that do have a negative impact on the prevailing character of a remote, intimate, pastoral landscape with a dramatically rolling topography and a distinctive small-scale ancient field pattern. The updated Landscape Statement continues to underestimate the impact of earthworks required to create the

level platform for the new barn and parking compound, together with the impact of the modern use on the strong sense of tranquillity in the area.

In considering Core Strategy Policy LD1 alone the proposal will not conserve or enhance the natural, historic or scenic beauty of the setting of the Brecon Beacons National Park due to the scale of the new buildings, alterations required for earthworks, reduction of tranquillity through the modern use and the alterations to the field pattern. Clearly this will have to be balanced with any benefits the development may have in relation to other planning policies. If the application were to be approved then the conditions listed in my previous response (dated 05/03/2024) still stand.

#### 4.4.4 **Comments received 30/11/23**

Unfortunately, despite revisions to the materiality of the barn group alterations – which address one aspect of heritage concern previously outlined (P/P 223196) – alongside a very minor reduction in the width of the south-easternmost element of extension to the farmhouse (c.1.1m), and a reduction in the size of the proposed detached barn and associated hardstanding, this latest development scheme continues to attract a heritage objection as it is considered the proposed degree of extension and increase in massing across the historic group still remains detrimental to original form, character, appearance and setting, in conflict with the requirements of Policies LD1, LD4 and RA5 of the Herefordshire Core Strategy, and Policy LGPC4 of the Longtown Group Neighbourhood Development Plan (which also requires any resultant development outcome to meet a local need for affordable housing, which this scheme clearly would not).

On these bases, it remains the case that significant amendments would be required to gain heritage support.

Heritage comments provided for the previously refused application (P/P 223196) briefly outline the heritage background of the site, and provide a detailed response to conversion/extension proposals for each building; and excepting the latest revisions described above, which have minimally altered this new scheme, those comments remain valid and can be consulted separately in order to prevent unnecessary repetition.

Also in common with the previous application, this application lacks a structural survey to demonstrate the buildings are capable of the specific conversion proposed without need for major or complete re-construction; this does not represent a reason for refusal, but is a key requirement of Policy RA5 which cannot be satisfied by way of planning condition as it is critical to whether permission can be gained in the first place.

#### **Heritage Comments:**

The submitted Heritage Statement outlines a development philosophy for the site and buildings fully accordant with the Council's heritage views, which themselves have been consistent since the historic farmstead was first presented for re-development in October 2022.

*Aubreys Heritage Statement: (emphasis added)*

*'Sensitive restoration, adaptation and re-use of Aubreys involving the **careful conservation and repair of the farmhouse and traditional farm buildings has the potential to result in a hugely positive impact on the farmstead and the setting of valley landscape.** By finding a sustainable new use for the buildings, thus funding their repair and maintenance would ensure Aubreys is not lost to total dereliction and is retained as an inhabited, utilised site integral to the wider landscape and historical setting of the valley. **Care must be taken in the design, orientation and scale of any new development, however small, to ensure any positive views and relationships are maintained and improved.***

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

*It is important that any proposed development **in no way dominates the historic assets or our appreciation of them in their relationship to each other and their landscape setting.** The setting should still be characterised by the **small-scale nucleus of the farmstead** and the wider landscape of meadows, trees and native hedge boundaries.*

*These proposed changes need to **respect the materials, form, massing and scale of the buildings** and pay attention to the interrelationship of the landscape setting.*

*The **presence, extent, character and scale of the existing built environment should not be adversely affected or diminished.***

However, it is clear from the submitted design package that the site and buildings – with a more modest degree of extension and linkage accepted - are not capable of providing for the applicant's specific needs within the parameters of that recommended philosophy as both schemes have garnered the same heritage responses from the outset, and these were not 'initial reservations' as suggested within the Heritage Impact Assessment, but consistent and fundamental concerns.

This scheme has proposed insufficient amendment over the previous scheme, and fails to address the most important issues of scale and mass, and this in spite of comprehensive heritage pre-app advice having been provided following the refusal of the first application.

The Heritage Impact Assessment seeks to downplay the true impact the proposals will have on the group, stating,

*Aubreys Heritage Impact Assessment: (emphasis added)*

*'...new-build elements have been designed to be **set back in the landscape allowing the existing farmhouse to be read as the primary historic dwelling.** Any concerns have been mitigated against by setting the buildings back into the hillside so that the entire gable of the farmhouse with chimney and bread oven projection can be seen in full view.'*

The farmhouse extensions are not being set back into the hillside, rather the hillside itself is being set back to accommodate the extensions behind and beyond the farmhouse to the south-east, and this, along with the substantially increased height of the threshing barn and hay barn, weakens the primacy of the farmhouse, and would result in a ribbon of extended development which would negatively dominate it, its backdrop, and its foreground.

*'The **historic buildings still remain prominent with the new additions receding into the hillside...The new additions are designed to sit in the built landscape and not dominate or overshadow the existing historic buildings.***

Were this not sufficiently clear from the submitted drawings, and previous heritage comments and photographs, the following indicative image illustrates this point from one important perspective – the roadside view of the farmstead.

Indicative scale & mass of proposed extension development as experienced from roadside view of Aubreys  
(all measurements based on submitted drawings)



If the proposed scheme were to be scaled back to remove the extension to the south-east and reduce the height of the barns (whose historic-form justification is exceptionally conjectural at best) this would align with the heritage philosophy originally, and rightly, advocated.

In this instance, the extension to the rear of the farmhouse – with a token set back from the line of the south-eastern gable - and the linking structures across to the threshing barn and between the cow shed and hay barn could be supported, and this would be considered representative of an appropriate degree of extension for the context of this site.

#### 4.4.5 **Comments received 20 August 2024**

##### **Recommendation:**

The heritage objections registered for the withdrawn application (January 2023) and this application (November 2023) set out fundamental issues with the schemes as initially proposed, and whilst in the latest amended submissions certain of those concerning aspects have been partially addressed, others remain, and still, despite their continuing dilapidated condition, nothing has been presented to demonstrate that the existing buildings are actually now capable of conversion without major re-construction or substantial alteration, nor to demonstrate that the works which will be required to convert them would not adversely affect their character and appearance, or have a detrimental impact on their surroundings.

As it is considered the requirement for an objective structural report goes the heart of whether the scheme can be supported from a heritage perspective, the previous heritage objection remains as the amended scheme is still in conflict with requirements of Policies LD1, LD4 and RA5 of the Herefordshire Core Strategy, and Policies LGPC4 and 13 of the Longtown Group Neighbourhood Plan.

If the case officer is minded to grant, or recommend, approval without any further design amendments, or a comprehensively detailed structural survey, planning conditions are advised to assist in ensuring at least some aspects of policy requirements can ultimately be satisfied; these conditions are listed at the end of the following comments.

## Additional Heritage Comments:

### Structural Report:

As highlighted in January and November 2023, no structural report has been submitted to support either application, and so whilst the general principles of the conversion/extension design and associated access works can be broadly understood, it is not possible to determine whether the scheme can actually be executed within relevant policy parameters without this level of assessment being provided from the outset.

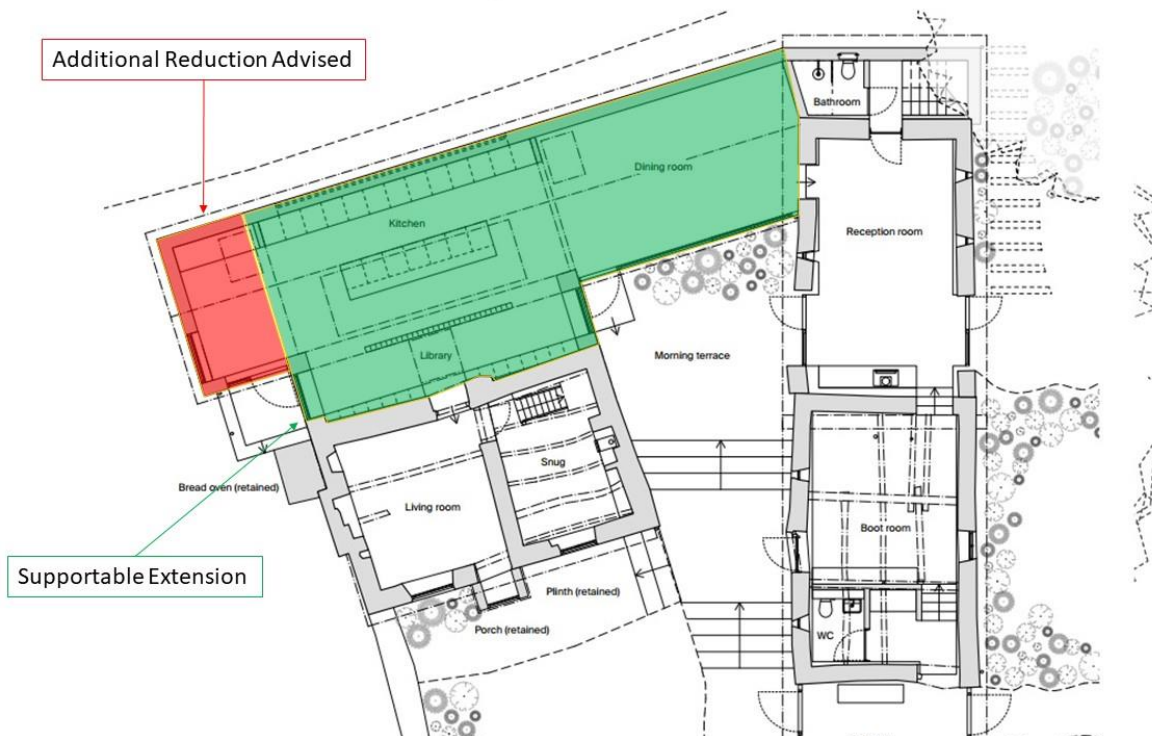
A report of this nature should also set out in detail all of the structural works necessary to achieve the finished conversion scheme as it is proposed, particularly as the scale of works necessary to introduce the rearward extension, and create the stepped access between the farmhouse and farm buildings, is such that these historic structures could be catastrophically undermined and compromised, with any re-building likely to result in loss of distinctive character and patination.

### Farmhouse Extension:

The part-reduction in width of the rearward extension at its southern end is acknowledged, but does not go far enough to sufficiently neutralise what would still represent substantial extension given the overall footprint of the as amended extension (c.86m<sup>2</sup>) is 200+% greater than that of the farmhouse (c.28m<sup>2</sup>).

The following adapted plan reiterates the additional reduction advised in order to align with what was identified as a compromise footprint in previous heritage comments; this would still realise a c.76m<sup>2</sup> extension footprint.

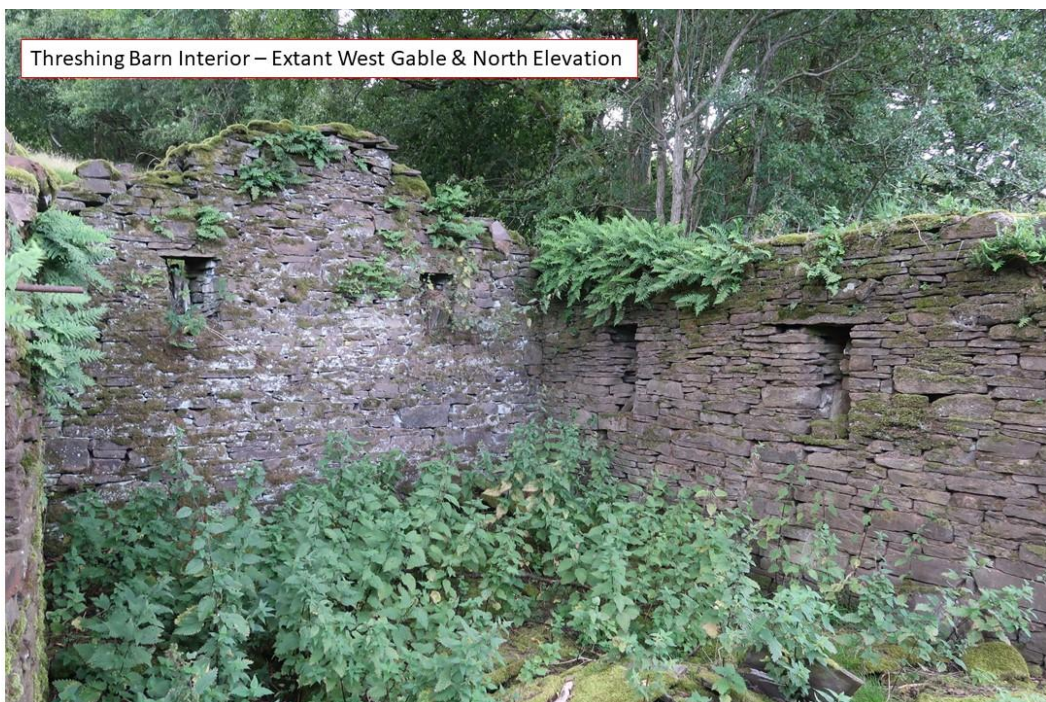
If not addressed this aspect remains to be considered a cumulatively harmful one.



Proposed Threshing Barn:

No amendment to this barn's proposed extension has been presented, and so it remains that the increase in its height and length necessary to accommodate a 1<sup>st</sup> floor level and an access staircase/WC at its western end would be contrary to what the evidential remains of its fabric indicate was its original form or function (LD4), and would represent substantial extension (RA5) given it would increase the functional footprint from c.35m<sup>2</sup> to c.78m<sup>2</sup>, an increase of over 100% on a non-domestic building.

Retention of its historic form, as supported by the evidence, would require a further c.0.5m reduction in height at wall plate level (see images below from 2019), and utilisation of matching stone for the re-introduced of wall tops is reflective of previous advice.



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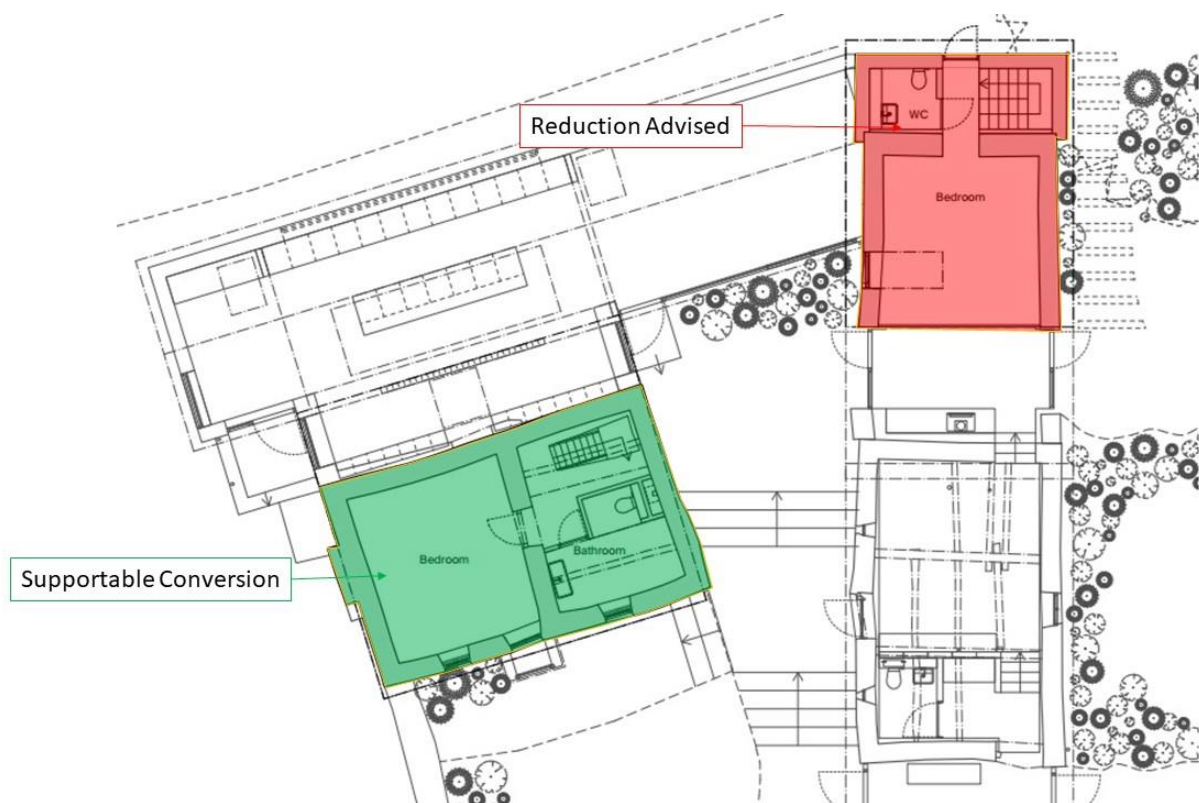
Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



As can be seen from the above images there is no evidence of any former loft level in this building, and the pattern of stone loss from the walls is entirely consistent with a form which only requires minimal consolidation to replicate, with both gables - excepting their apexes - and the flanking walls remaining near enough at their historic heights – which is also consistent with a barn size/form which could support the subsistence scale of this particular smallholding.

Whilst many threshing barns can differ somewhat in their scale, form and features for a variety of geographic/economic/technological/functional reasons this one appears very specific to its context, and so introducing unevidenced changes, such as staircases, lofts and pitch holes, simply to meet certain domestic needs detrimentally dilutes its significance, distorts its integrity and special interest, and confuses understanding of its historic character and contribution to the wider group; this approach represents renovation rather than sympathetic conservation.

Consequently, conversion which maintains the historic single-storey structural form remains the advocated approach, and so, as proposed, it is considered a cumulatively harmful extension.



Proposed Hay Barn:

Whilst the 1050mm reduction in ridge height is noted, SK027 also confirms this prevents a building regulations compliant habitable space from being realised, and the Heritage Assessment indicates the formerly proposed 1<sup>st</sup> floor is now omitted, yet the ridge height has not been lowered to the advised height and the upper floor window is retained within the east elevation.

As a large, single-volume, space open to the rafters internally, and with a lower ridge height, this would represent a sympathetic conversion which conserved original form as accurately as can be established from remaining evidence, addressing the conjectural issues and maintaining sufficient subservience to the farmhouse.

As amended this aspect remains to be considered a cumulatively harmful one.



**Advisable Conditions:**

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

## CE8 - EXPERT SUPERVISION

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

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building and to ensure the fabric is protected from damage during the course of works in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

## CE9 - LATER APPROVAL OF DETAILS

No works shall commence until a structural survey and detailed report of advised structural works and interventions necessary is submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

## CF6 - STRUCTURAL SUPPORT FOR RETAINED ELEMENTS

No demolition or re-building works shall begin until details and the methodology to secure the safety and stability of those parts of the building to be retained are submitted to and approved in writing with the Local Planning Authority. The works are to be carried out fully in accordance with the approved methodology and details. The methodology and details shall include:

- Strengthening any wall or vertical surface;
- Support for any floor, roof or horizontal surface,
- Provision of protection for the buildings against the weather;

The structure retained in accordance with Condition 2 during the progress of the works.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

## CG1 - RECORDING - STANDING STRUCTURES

No development approved by this permission shall commence until a Level 2 Survey, as defined in Historic England's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the building has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

## CG4 - ROOFING DETAILS

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

Before any works to the farmhouse or farm buildings begin in relation to the aspects specified below, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Details of the farmhouse and farm buildings roof construction;
- Samples of the type of roofing materials proposed;
- Details of new dormers;
- Treatment of gables and cappings;
- Treatment of verges and barge boards;
- Leadwork details (in accordance with LCA good practice)
- Means of ventilating rooves;
- Flues, vents or other pipework piercing the roof;

And as shown on drawings to a scale of 1:20 & 1:5 as applicable.

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

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CG6 – ROOFING SALVAGE

Stone slating stripped from rooves should be inspected for defects and set aside for reuse. Any balance to make up the shortfall should match the existing in all dimensions and characteristics as far as possible.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CH2 - MASONRY MATCHING

New or re-built stonework shall match the existing stonework adjacent in respect of dimensions, colour, texture, coursing pattern, and pointing type unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CH4 - POINTING

No pointing or repointing of existing stonework shall commence until a drawing identifying the affected areas, details of the method of removing the existing mortar and details and samples of the new mortar mix and joint finish have been submitted to, inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CH8 - JOINERY WORKS

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

No joinery works (metal or timber) shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- 1:5 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings;
- Method & type of glazing;
- Colour scheme & surface finish;

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

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CH9 - ROOF WINDOWS

Roof windows shall be of the traditional low profile metal pattern and details at 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CI2 - RAINWATER GOODS

Details of the material, sectional profile, fixings and colour scheme for Rainwater goods (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CJ2 - M&E SERVICES

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

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### CJ9 - SCHEDULE OF WORKS

A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the

approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

#### 4.5 **Principal Natural Environment Officer (Ecology)**

##### ***Comments received 21/11/23***

I have read the application including the following documents:

- PEA written by Heritage Environmental Contractors dated August 2021
- Ecological Update written by Heritage Environmental Contractors dated July 2023
- Bat survey written by Naturally Wild dated December 2021
- Herptile Survey written by Nigel Hand Central Ecology dated June-August 2022
- Biodiversity Net Gain Assessment written by Ecus Ltd dated August 2023
- Biodiversity Net Gain Metric 4.0 completed by Ecus Ltd
- Surface and Foul Water Drainage Strategy written by H+H Drainage dated August 2023
- Design Statement written by Rural Offices dated September 2023
- Landscape Strategy by MHP Design dated 2022

##### **Habitat Regulation Assessment (HRA)**

The site is located within the amended Impact Risk Zone provided by Natural England for the River Wye SAC. An HRA has been undertaken and submitted separately. Natural England should be consulted for their opinion.

##### **Biodiversity Net Gain and Site Design**

A biodiversity metric has been provided for the site along with various other ecological assessments. I have some questions relating to the metric in particular:

The baseline habitat for the site has been described as modified grassland. With 1.1975ha being described as being in good condition and 2.0182ha as being in poor condition. It is not clear from BNG assessment report, which areas are in good condition and which are in poor. There is no species list for the habitats within the report and it is, therefore, not possible for the Council to ascertain whether the most appropriate habitat type has been selected or whether one of the other grassland types under UKHab might be more appropriate. Furthermore, part of the site is within the Black Mountains Woodland SWS. All strategic significance areas are set to "Area/compensation not in local strategy/ no local strategy" with Low Strategic Significance. We would have expected this area to at least be classified as having Medium Strategic Significance, or further description of the habitat and justification as to why it is considered Low Strategic Significance.

Within the On-Site Habitat Enhancement it is proposed that 1.5ha of lowland hay meadow will be created with this habitat having achieved moderate condition within 10 years. We would like to understand how it is intended to establish this habitat to the condition specified. Our concern is that the site sits above 350m, where lowland meadows usually only exist up to an elevation of 300m or so and is a difficult habitat to create which relies heavily on both the correct soil pH, low nutrient inputs and on the correct management regime being in place. There is a clear question over how reasonable it is to aim for the creation of this Priority Habitat Type on this site and for the maintenance of it both within the definition of Lowland Hay Meadow Priority Habitat and within the condition class stated.

In summary we require species lists of the grassland areas surveyed and further breakdown of the habitat types within the mapping. Further justification of proposed on site habitats is also required.

### **Designated Sites**

The proposed development is located in the Risk Impact Zone for the Black Mountains SSSI, the Olchon Farm Meadows SSSIs, and partially in the Black Mountains Woodland SWS, meaning the whole area is ecologically sensitive, important and diverse.

The development is partially within the Black Mountains Woodland SWS, the proposed access track appears to directly impact upon this special wildlife site which is acknowledged in the ecological report to be ecologically diverse and sensitive. However, although the access track still goes through SWS it is now only within the lower ecological value area dominated by bracken and through an area of habitats for which the site is not designated. The result of the development would be damage to a small area of the Special Wildlife Site, it is possible for this to be mitigated, in our view, through appropriate ecological enhancements and appropriate management but we are not convinced that these measures have been sufficiently set out and evidenced at the current time.

### **Bats**

In the initial PEA it is noted the buildings on the site were inspected and due to their poor condition were considered unlikely to support roosting bats. Bat emergent and re-entry surveys were undertaken in August 2021, with no bats recorded roosting in the buildings. Within the 2023 ecological update it notes there is further deterioration of the buildings with additional weather ingress and therefore the potential for bats is negligible.

There are high quality flight corridors for foraging and commuting bats which will need to be protected from impacts of new lighting during both construction and occupation. A number of artificial roosting boxes for bats and integrated bat roosting features should be built into the finished site.

These elements are capable of being controlled through planning condition provided that the applicant is happy to accept a number of pre-commencement conditions.

### **Reptiles and Amphibians**

The surveys of the site showed that it supports a small population (max 3) of viviparous lizard and potential for slow worm and grass snake to be present. There is also potential for common frog, common toad, smooth and palmate newt to be present locally. There are no ponds in close proximity to the site and great crested newts are not considered likely to be present on the site.

The report sets out some very clear recommendations around mitigation for these species, reasonable avoidance measures in order to avoid direct impacts particularly during the construction phase and timing restrictions to minimise impacts. The report also recommends long term appropriate management of the habitats present on the site to be controlled through a habitat management plan. The updated ecological report from 2023 notes the continued presence of reptile and amphibian hibernation sites in and around the building and wider site.

All these elements can be controlled through planning condition provided that the applicant is happy to accept a number of pre-commencement conditions.

### **Nesting Wild Birds**

There is evidence of nesting wild birds on the site and within the derelict buildings. The proposed development will need to avoid impacting upon nesting birds through appropriate timing restrictions (avoiding the bird nesting season) or through having an ecologist supervise sensitive

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

works. A number of artificial bird boxes should be provided on the development, these could be secured through planning condition.

### **Badger**

There was no evidence of badgers or their setts on the site. The area is broadly suitable and the ecological clerk of works will need to ensure no new evidence is present prior to the start of construction. This can be covered by condition.

### **Dormouse**

The site survey did not identify any evidence of dormouse and found that the habitats present were sub-optimal for this species. The hedgerows and wooded areas are to be retained. No further consideration of dormouse is required.

### **Water Vole and Otter**

The small watercourse present is not suitable for water vole and otter and no further consideration of these species is required.

### **White-Clawed Crayfish**

The onsite watercourse is not suitable for white-clawed crayfish but feeds into the Olchon Brook Special Wildlife Site which does support this species. Works will need to avoid the mobilisation of silt into this watercourse. This can be controlled through the Construction Environmental Management Plan which can be made a condition if that is acceptable to the applicant.

### **Recommendation**

At the current time the proposal remains contrary to policy LD2 Biodiversity and Geodiversity since there is a lack of information relating particularly to ecological mitigation and to ensuring that the scheme does not result in a net loss in Biodiversity. While some assessments have been made there remain a number of technical questions to be addressed.

There is no legal barrier under the Habitats Regulations Assessment process providing that Natural England are duly consulted on the HRA and concur with its findings.

*Comments received 19/4/24*

These comments should be read in conjunction with those made in November 2023.

### **Habitat Regulation Assessment (HRA)**

The site is located within the amended Impact Risk Zone provided by Natural England for the River Wye SAC. An HRA has been undertaken and with the conclusion there would be NO adverse effects on the integrity of the Special Area of Conservation.

### **Biodiversity Net Gain and Site Design**

Further information, received from Ecus and Hon Fennessy (HEC), dated December 2023, covers the outstanding ecological concerns. There is justification for how it is intended to establish lowland meadow within the site and further breakdown of habitat types.

The Biodiversity Net Gain and site design will be secured via condition.

### **Other Ecological Comments**

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



Full details on species ecology are covered in my response dated 22<sup>nd</sup> November 2023.

### **Conditions and informatives**

Please include the following conditions and informatives on any decision notice

#### **Work in line with reports**

The development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application:

- PEA written by Heritage Environmental Contractors dated August 2021
- Ecological Update written by Heritage Environmental Contractors dated July 2023
- Bat survey written by Naturally Wild dated December 2021
- Herptile Survey written by Nigel Hand Central Ecology dated June-August 2022
- Biodiversity Net Gain Assessment written by Ecus Ltd dated August 2023
- Biodiversity Net Gain Metric 4.0 completed by Ecus Ltd
- Surface and Foul Water Drainage Strategy written by H+H Drainage dated August 2023
- Design Statement written by Rural Offices dated September 2023
- Landscape Strategy by MHP Design dated 2022

All the biodiversity mitigation measures shall be implemented in full for a minimum of 30 years, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Protected Species and Dark Skies (external illumination)**

As the site is an area that affords an intrinsically dark landscape that benefits local amenity and nature conservation; a condition to secure and manage any proposed or future external lighting is requested on any planning permission finally granted

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

#### **Wildlife Protection Informative**

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 (roosts whether bats are present or not), Badgers, 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

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

#### 4.6 **Principal Natural Environment Officer (Trees)**

I have not had the opportunity to visit the site, but the drawings and supporting information is sufficient to allow me to form an accurate opinion regarding arboreal issues.

The tree report demonstrates that the development generally does not impact retained trees and does not require any tree removals.

There shall be a need to install temporary ground protection for the duration of the project but the encroachments into rooting areas is not significant.

In conclusion I support the application subject to the following condition:

##### Trees In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

H.E.C Tree survey and Categorisation to BS5837:2012  
Arboricultural Impact Assessment & Tree Protection Plan.

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

#### 4.7 **Team Leader Area Engineer**

The proposals are for the proposed restoration and residential use of the farmstead at Aubreys including: the conversion of and extension of the existing farmstead, the construction of a proposed detached building for garaging, workshop and plant storage, extensive landscaping and rewilding of the wider site, the installation of an access track and associated works.

The development of one dwelling is not considered to have a material impact on the surrounding local highway network with the applicant having provided sufficient details to demonstrate that a visibility splay of 2.4 x 45 metres at the site access is likely to be achievable.

The local highway authority therefore have no objections to the development proposals subject to the following conditions. It should however be noted that the site is unsustainable in nature with no realistic alternative to access other than by private car.

1) 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 45 metres in each direction along the nearside edge of the adjoining carriageway. 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.

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

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

- 3) 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.

- 4) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 3 cars 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 that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

- 5) 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
- 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.

- 6) Prior to the 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 occupation of any of the dwelling houses 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.

All 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

#### 4.8 Waste Operations Team Leader

Bin storage locations for the property to be included on site plans. There should be at least 1 metre space around the bin to allow the resident to manoeuvre the bin should bins be stored at the property, and it should not cause an obstruction to the entrance to the property.

Storage space will need to be provided at the property for the following containers:

1x180 litre wheeled bin for general rubbish

Collected on an alternate 3 weekly basis

Further information on the subject of this report is available from Mr Sir

1x240 litre wheeled bin for recycling paper & card

1x240 litre wheeled bin for recycling tins, cans, glass and plastics

1x23 litre food waste caddy (collected weekly)

1x240 litre bin for garden waste. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability to accommodate a garden waste container or home compost bin should they choose to use it.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for the property due to its location being over a 25 metre walking distance from where the RCV can safely access. This should be an area of hardstanding that is large enough to position the required number of containers.

With Herefordshire Council's intention to introduce both a fortnightly garden waste and a weekly food waste collection service, there is a likelihood that two bins per property may need to be presented at the same time. Bin Collection Points should therefore be of sufficient size to allow at least 1.16 metres space per property in case some collections coincide.

#### 4.9 Land drainage

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Existing Site & Location Plan (Ref: 0101);
- Existing Block Plan (Ref: 3\_0102)
- AMENDED Proposed Block Plan 7.6.24 (Ref: 3\_0107B);
- Proposed Plans & Elevations (Ref: 3\_0111);
- AMENDED Proposed GF, FF and Roof Plan – Farmhouse and Barns 7.6.24 (Ref: 3\_0108B);
- AMENDED Proposed Site and Access Plan 7.6.24 (Ref: 3\_0106B).

#### Overview of the Proposal

The Applicant proposes the conversion and extension to the existing farmhouse and creation of a link between the Cow House and Hay Barn to create a new 3-bed dwelling. A new building is also proposed to be used as a workshop. The site covers an area of approx. 2.64ha. Numerous ordinary watercourses flow around the site from the west, which are tributaries of the Olchon Brook. A watercourse flows through the centre of the site. A second watercourse flows along part of the northern site boundary. The topography of the site slopes down from west to east by approx. 13m

#### Flood Risk

##### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low probability Flood Zone 1.

Although the proposed development is more than 1ha, a Flood Risk Assessment has not been provided.

The drainage strategy acknowledges that the site is within Flood Zone 1 and that the site is not affected by surface water flooding. We would agree that this statement is likely correct.

##### Surface Water Flood Risk

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding, however there are numerous watercourses within and surrounding the site which are shown to be low risk surface water flow routes.

#### Other Considerations and Sources of Flood Risk

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwelling and surface water drainage systems.

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 was undertaken at the site in November 2021. Two trial holes were excavated, however only one of the holes drained and the other failed. An infiltration rate was not provided for the hole that drained, however the results submitted suggests the water dropped 1.45m in 24 hours for test 1 and 0.94m in 24 hours in test 2.

A groundwater level assessment hole was excavated to a depth of 2.6mBGL and found no evidence of free-flowing water, however the soils at 1.7mBGL were found to be wet. After 1 hour of the hole being open, there was 300mm of water in the base thought to be caused by groundwater seepage from saturated soils.

Overall, due to failure of one trail hole and high groundwater levels due to Soilsmap mapping confirming the soil type to be upland soils with a wet peaty surface, a discharge to ground is considered unviable.

The proposed development will result in an increase of impermeable surface area at the site (372.4m<sup>2</sup>).

The surface water drainage system comprises a 11.1m<sup>3</sup> attenuation tank with a restricted discharge of 5l/s to a watercourse, which has been sized to accommodate a 1 in 100yr + 40% CC event.

We would query the proposed 5l/s discharge rate, particularly as no existing greenfield runoff rate calculations have been presented. We would suggest that a discharge rate of 2l/s would be more appropriate for a development of this type and size. We would also suggest that surface water runoff be attenuated within a basin, so as to allow for infiltration were possible and a green SuDS feature would be more appropriate for this application location.

The limited discharge of 5l/s is stated to be achieved with a storm brake flow management chamber, however no further details have been provided. The proposed orifice size should be no less than 70mm, due to the risk of blockage.

Given the sloping topography of the site there is a risk of the access driveway becoming an additional surface water flow route, regardless of its permeable construction. We request that the Applicant provides additional details of how surface water exceedance flows will be sufficiently managed to prevent the highway becoming inundated.

Local residents have referred to the highway down gradient of the site experiencing surface water flooding, therefore the recommended measures would likely ensure that the proposed development does not exacerbate the existing situation.

The proposed access driveway appears to cross a watercourse which flows through the site. No details regarding any culverting works have been provided.

We note that rainwater harvesting measures are proposed to re-use the runoff for non-potable needs.

No surface water drainage layout has been provided.

#### Foul Water Drainage

Percolation testing has been undertaken at the site in four trial pits, but all the trial pits failed to drain and a Vp rate was not established.

We understand that the foul water is proposed to be discharged to the local watercourse located on the northern site boundary, via a package treatment plant. A sample chamber is proposed to be installed immediately downstream of the package treatment plant. The outfall to the watercourse is proposed to be headed with a dry-stone headwall.

The Applicant has suggested that the receiving watercourse has a non-seasonal, constant flow and is therefore in accordance with the General Binding Rules, however we are also aware of comments made by local residents, who suggest that the watercourse is seasonal. Based on the surrounding topography, Land Drainage would probably agree that whilst a constant flow is observed during the winter months, the nature of the watercourse could mean that it is susceptible to prolonged dry periods. Therefore, we would encourage the Applicant to apply to the EA for a permit to discharge to a seasonal watercourse as this will provide certainty that the foul water discharge is being managed appropriately no matter the nature of the watercourse. A permit is likely to be granted on the provision that a partial drainage field is installed prior to discharge. This will need to be shown on drainage layout plans.

No foul water drainage layout has been provided.

#### Overall Comment

##### No Objection – Subject to conditions

Whilst there is a need for revisions to be made to the proposed surface water and foul water drainage arrangements for the development, in line with our above comments, we are satisfied that there is available arrangement. Therefore, we recommend that the following information is provided within suitably worded planning conditions:

- Submission of detailed surface water and foul water drainage layout/construction plans.

## **5. Representations**

### 5.1 Longtown Parish Council

#### 5.1.1 **Comments received 15 November 2023**

*Council sat on 15th November 2023 and discussed this application and RESOLVED to Object to the application with comment:*

*Our objection is based on several material considerations which we believe warrant careful re-consideration of the proposed development. These considerations include the layout and density of the application, previous planning decisions, scale and dominance, the impact on trees and wildlife/nature conservation, as well as the relevant provisions of the Longtown Group*

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

Neighbourhood Development Plan (LGNDP).

- **Layout and Density:** The proposed development appears to increase the density of the site that significantly increases the footprint of the current buildings.. This is inconsistent with the existing character of the area and may lead to increased traffic congestion, and strain on local resources. The layout also seems incompatible with the current landscape and may negatively affect the visual aesthetics of the locality.
- **Previous Planning Decisions:** Previous planning decisions in the area have adhered to certain standards and guidelines in order to maintain a harmonious and sustainable community. The current application appears to deviate significantly from these standards, which may set an undesirable precedent for future developments in the area.
- **Scale and Dominance:** The proposed development's scale and dominance are excessive in relation to the existing range of buildings and the surrounding environment. It could have a detrimental impact on the skyline and overall landscape, detracting from the natural beauty and character of the area.
- **Effect on Trees and Wildlife/Nature Conservation:** The proposed development may have a detrimental impact on local trees and wildlife. There is a clear need to protect and conserve the natural environment, and it is vital that these concerns are addressed in the planning application.

Furthermore, the impact on local wildlife, including potential habitats for protected species, must be thoroughly assessed.

- Longtown Group Neighbourhood Development Plan (LGNDP)

a. LGPC4 - Reinstatement of Derelict Dwellings:

The proposed development does not appear to align with the objectives outlined in LGPC4, which aims to reinstate derelict dwellings. Instead, it involves new construction, which may not be in line with the spirit and goals of this policy.

b. LGPC4a - Local Need for Affordable Housing: While the need for affordable housing is acknowledged, the proposed development's affordability aspect needs careful scrutiny to ensure it genuinely meets the local need and does not compromise the community's integrity or aesthetics

### 5.1.2 **Comments received 21/3/24**

Council maintained its original response and RESOLVED to continue its objection. Council felt that there was very little change to the original plan and it does not reflect the heritage of the building and completely alters its nature. It has been described as having an overbearing nature that will irretrievably affect a landscape that has been unchanged for 100years or more. Concerns were raised regarding the amount of windows that will allow excessive light into a 'dark skies' area. Further concerns about the road to the site that will cross brook in two places affecting wildlife.

These comments are additional to the initial response that Council still hold as valid

### 5.1.3 **Comments received 21/6/24**

Longtown Group Parish Council sat on 19th June 2024 and discussed this amended re consultation.

Having discussed at length Council RESOLVED to maintain it objection to the application. Council noted the reduction in size and other variations but feel its initial rationale for objection is still valid.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

Council refer to its previous comments on the initial applications. (which have now fallen from view).

5.2 At the time of writing a total of 55 representations (objections) from 36 different persons including Herefordshire CPRE have been received in response to both the original submission and the subsequent revisions. Many of the representations are lengthy and what follows comprises a summary of these:

- Disproportionate scale and significant redevelopment of buildings unsuitable in such a unique and sensitive landscape
- Proposal fails to conserve and enhance the historic character of the farmstead
- Principle of sensitive restoration supported but cumulative impact of extension, outbuilding and track access represents harmful and inappropriate overdevelopment of the site
- Height of extended barns inappropriate and visually prominent and utilises inappropriate materials and glazing
- Detrimental impact of additional construction traffic and vehicular activity associated with residential use and home based business upon local road infrastructure resulting in further degradation
- Significant and unjustified harm to local biodiversity and Local Wildlife Site
- If approved would establish a dangerous precedent in a unique landscape
- Proposed track access specification unviable for intended use and will result in surface water flooding
- Homeworking element unacceptable as only justified by the presence of a large outbuilding
- All previous refusal reasons remain valid
- No overriding need for new housing in the Parish; no local need identified
- Inaccurate incorrect foul and surface water drainage strategy
- Proposed new barn of inappropriate scale
- Linking and external treatment of barns inappropriate
- Residential use abandoned and lawful use should be established before redevelopment considered

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=232851](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232851)

## 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) and the 'made' Longtown Group Neighbourhood Development Plan (LGNDP) adopted 6 March 2020. At this time the policies in the NDP can be afforded full weight as set out in paragraph 48 of the National Planning Policy Framework, which itself is a significant material consideration.

6.3 In broader strategic terms, the NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.



- 6.4 Following survey work, the LPA can confirm that the Housing Land Supply for 2023 is 5.8 years and the current delivery test is 106%. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.
- 6.5 Self-evidently, the site is significantly divorced from the built up part of Longtown and lies outside of the adopted settlement boundary described in policy LGPC1. However Objective H.3 of the LGNDP recognises and promotes the conversion of redundant, abandoned and derelict buildings within the wider Neighbourhood Area and contains a specific policy establishing the basis of considering such proposals.
- 6.6 In this regard policy LGPC4 addresses the residential use associated with historic farmsteads, stating:
- Sensitively designed housing development of historic farmsteads in Craswall, Llanveynoe, the rural parts of Longtown and Walterstone will be supported on farmsteads where they respect historic character and are:*
- i. single or multiple dwellings to meet a local need for affordable housing, such as for key workers*
  - ii. development to ensure the retention or repair of any heritage asset*
  - iii. live and work units of appropriate scale for the existing farmstead*
  - iv. the reinstatement of an historic building complex identified by Herefordshire Historic Farmstead Characterisation Project that will be of exceptional quality or innovation.*
- 6.7 Whilst a number of objections express otherwise, your officer's view is that the policy is not worded in a manner that requires compliance with all 4 criteria, but rather compliance with one would meet its requirements. With this in mind, through the determination of the previous (albeit refused) application, it has previously been established that the principle of restoration of the Aubreys site would accord with criteria ii and iv. Importantly in your officer view, and for the avoidance of doubt, Appendix A of the LGNDP identifies Aubreys as one of those historic farmsteads to which the requirements of policy LGPC4 would apply.
- 6.8 Set alongside the more up-to-date policy presumption there is CS policy RA3 which only allows new residential development in the open countryside where it meets any of the specified exceptional criteria. One such exception is the conversion of a rural building(s) where it accords with the criteria set out under CS policy RA5 and would lead to an enhancement of its immediate setting. Policy RA5 includes several criteria that a proposal should meet in order to represent a sustainable re-use. For ease, these are found below:
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.

- 6.9 In addition to this, policy LGPC13 aligns with the established principles of sensitive conversion of farmsteads. It is noted that the buildings on site are not listed, but they are considered to be of local importance given their construction; previous use; representation of the type of development that was historically undertaken within the valley and the specific reference made to this contribution within the LGNDP. This notwithstanding, policy RA5 makes it clear that buildings should be capable of conversion without major or complete reconstruction, as well as avoiding the need for extensions.
- 6.10 In light of the above, it is fair to say that there is an inherent tension between the local policy, which is interpreted to allow for the redevelopment of buildings where it involves a design of high quality that would restore a derelict farmstead named in the LGNDP and a strict interpretation of CS policy RA5, which would seek to restrict conversion to buildings that would not require major reconstruction and extension.
- 6.11 Taking these policies into account, officers` consider that policy LGPC4 should be given greater weight by the decision maker since it is a more up-to-date locally made policy and this would allow for appropriate levels of rebuilding to restore farmsteads. Clearly whether the proposal as submitted is regarded as an appropriately scaled and designed response to the restoration of the farmstead is a subjective matter but in broad terms there is a level of support for the principle of achieving this. It is worth noting at this point that this position appears to be borne out by a number of representations to the application which support the principle of restoring the farmstead, but object to the scale and impact of the proposal.
- 6.12 Although the foregoing assessment asserts compliance with policy LGPC4, in relation to other aspects of the policy, there is an expectation that such restoration projects should meet a local need for affordable housing and promote appropriately scaled live work units. The desire to provide opportunities for local people to continue living and working in the Parish is noted and acknowledged but officer`s maintain that policy LGPD4 does not require this where other criteria are met. Furthermore, officers` advice is that when considering the Development Plan as a whole, it would be unreasonable to require occupation of a restored farm house and associated buildings in this manner, particularly since the proposals are considered to achieve other policy criteria. Similarly the “live-work” element of the policy is still considered positively given the intention to run the applicant`s internet based stationary business from this site. This would now be from the extended residential accommodation rather than a standalone studio as was the case with the refused application.
- 6.13 In addition to the above it is necessary to assess this revised application against the reasons for refusal for the earlier application. These are reproduced in Section 3 Planning History above. In this regard, it is acknowledged that the rebuild and appropriate extension to secure restoration of the farmstead is supported, as it helps to secure the retention of a building of local importance. The principle of additions to the existing fabric to secure this are considered acceptable since they involve the reparation of the existing fabric and creating ancillary buildings to function alongside the main dwelling. The amount of new extension work has been reduced since the refusal and further still during the course of the determination of this application and whilst there is an acknowledged tension with CS policy RA5, it is accepted that they are subservient to the existing structure without detracting visually from the original character and setting. Importantly, the size of the detached outbuilding has been reduced (Reason for Refusal 1 of refused scheme) in a manner consistent with the greater flexibility considered to be afforded by policy LGPC4
- 6.14 In summary therefore it is considered that the principle of reinstating the residential use of this derelict farmhouse and associated farm building alongside an opportunity for home-working in relation to a successful on-line stationary business is one that is supported and acceptability or otherwise of the proposal primarily lies with an assessment of the particular heritage, visual and biodiversity impacts associated with the scale of development in what is a highly sensitive and constrained landscape

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*Design, Heritage Matters and Visual Impact*

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 6.15 CS Policy SS6 seeks to conserve and enhance the environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets. Policy SD1 is a key policy which relates to the design of new buildings including garages. The policy states that proposal should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.16 In addition to Policy SS6, policy LD4 of the CS is of relevance, which requires amongst other things to ensure that new developments 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible'. At local level this is echoed through policy LGPC 13 which explicitly states 'development proposals which conserve the character of historic farmsteads through sensitive conversions will be supported'.

### Farmhouse and Barns

- 6.17 With regards to the farmhouse and barns, works to the derelict house include some structural intervention. Although works to the farmhouse are not insignificant, the original dwelling's character would be positively retained in terms of the sensitive repair approach proposed. Furthermore the reduced scale and limited visual prominence of the extensions are considered be of an appropriate scale and materiality, offering visual subservience and a combination of complimentary and contrasting materials to allow the historic integrity of the farmhouse to be preserved. The Principal Building Conservation Officer's objection to the additions detracting from the traditional character and function of the farmhouse and agricultural barns is noted but the rear extension occupies an inconspicuous location and would be sunk into the landscape without detracting from the historic asset or the setting. Of particular note is that the extension to the side (Family Room), which was considered to be the most visible element of the proposal has now been removed in the latest revision. Accordingly the development is now limited to the rear and north of the farmhouse which benefits from greater natural screening.
- 6.18 The Principal Building Conservation Officer initially raised objection with regards to the height of the barn conversion element citing the lack of supporting evidence that their original height would have been at this level and therefore any increase in height would fail to respect their character and distinctive contribution to the setting. In response to this the application has been amended to reduce the height of the Hay Barn element by 1.05 metres and the "driftway" which links the Hay Barn to The Cow Shed by some 0.6 metres. The resulting treatment of these elements is considered to be of a genuinely single storey scale (maximum ridge height of 6 metres) that satisfactorily respects the historic scale and form of these former agricultural buildings, limiting first floor accommodation to the former farmhouse and the Threshing Barn which are of a recognisably greater scale and are also set back into the site. Although there is a clear recognition of the improvements to the scheme from its original iteration, these concerns continue to be highlighted in the most recent response to the amended scheme. For the avoidance of doubt the ongoing concerns identified relate the continued projection of the single storey rear extension beyond the side wall (south elevation) of the restored farmhouse; the height of the Threshing Barn (request for a further 0.5 metre reduction); and the height of the Hay Barn (request to further reduce height and remove first floor window from east elevation)
- 6.19 Furthermore the request for a qualified structural appraisal in respect of the ability to retain the remaining fabric remains a consistent one.
- 6.20 These ongoing concerns have been carefully considered, however, having regard to the reasons cited for the recent refusal of planning permission, it is not considered that a structural appraisal is a pre-requisite to the determination of the application. However, a number of conditions are recommended to secure a methodology for fabric retention during the restoration process. Whilst

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the lack of heritage support is unfortunate, officers are mindful of the desirability and the overall policy support for the restoration of the farmhouse and associated buildings and also to the fact that they are not afforded listed status.

- 6.21 The suggested conditions provided by the Principal Building Conservation Officer have been reviewed and those that are deemed reasonable and necessary are set out below. For the avoidance of doubt the requested conditions regarding expert supervision; building recording and details of mechanical/electrical services are not attached as these are considered more appropriate for works to listed buildings.
- 6.22 Your officers` judgement is that the revised proposal strikes an appropriate balance between the recognised desire to restore the farmstead and present a viable arrangement of living accommodation that will secure its long term preservation.
- 6.23 The barns have been designed to maintain the stone character of existing elevations but would introduce increased heights and dual pitched roof forms. This is generally considered acceptable given their agricultural character is maintained and that they read as ancillary to the host dwelling. The linking structures are appropriately set back and lower in height than the host dwelling and barn, creating a genuinely subservient adjoining structures allowing the layout to function as a single family home.

#### New Barn and Compound

- 6.24 Having particular regard to Reason for Refusal 1 of the previous scheme, the revised proposal represents a significant reduction in the size and scale of the new building and the associated parking compound. As proposed the floor area of the barn is 10.5 metres wide by 5.75 metres deep (60.4 square metres) with an eaves and ridge height of 2.6 metres and 4.4 metres respectively. For comparison, the barn proposed in the refused scheme had a maximum floor area of approximately 18.7 metres by 9 metres (168 square metres) and an eaves of 2.4 metres and a ridge height of 6 metres. In combination with the significant reduction in scale the associated parking compound is much reduced. Having regard to impact of this element of the proposal on the character and setting of the historic farmstead, it is considered that there is now an appropriate level of subservience and the new building is of much simpler agrarian character befitting this setting. It is also maintained that having regard to the characteristics of the site, the setting of the parking area away from the main group of buildings in a location that benefits from well-established mature vegetation offers the best solution to meeting the functional and day-to-day needs of the restored farmstead by limiting their visibility in key views from the Mountain Road and beyond. Matters relating to the landscape impact of element of the proposal are considered in more detail below but in relation to preserving the setting of this undesignated heritage asset the current proposal is considered to offer an acceptable and policy compliant solution to secure its future contribution in heritage terms to the Olchon Valley
- 6.25 Turning now to landscape impact, CS policy LD1 and LGNDP policy LGPC12 are particularly relevant and require proposals to demonstrate how development has responded positively to the landscape character of the site and surrounding area. As set out above there has been a scaling back of the extent of development both in respect of the restoration of the historic buildings that comprise the farmstead and the associated new building and parking compound.
- 6.26 The application has been supported by a Landscape Statement which quite rightly identifies the local landscape to be of high value and the site`s landscape sensitivity to be high. This is very evident on site and due to its elevated location within the valley. The Herefordshire Landscape Character Assessment identifies the site as Ancient Border Farmland/Ancient Timbered Sandstone landscape type, which are characterised by the pastoral land use, organic enclosure pattern, scattered hedgerow trees, distinctive buildings style and scattered pattern of farms, all of which are identified in the subject site. The Senior Landscape Officer, whilst recognising the improvements that have been made to the proposal in landscape impact terms, has maintained an objection throughout the various iterations that have been submitted. With the removal of

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artificial boundary treatments and other landscape features, the objection is primarily in relation to both the cumulative impact of the scale of new buildings and the level of intervention in ground levels associated with the formation of a level site to accommodate the new barn and compound and the visual impact of the access driveway that will cut through historic field boundaries, cross over a watercourse and disrupt the unspoilt field pattern.

- 6.27 In the same vein, it is clear that many of the objections received, share the view that the proposal will unacceptably affect the scenic qualities of the special landscape of the Olchon Valley.
- 6.28 It has proven very difficult to balance what are considered to be competing policy requirements in terms of both recognising the need to service the restored farmstead (acknowledging that there is “in principle” support for this), whilst simultaneously preserving its unique setting. In this regard the proposed access is considered by officers to be the most impactful feature of the scheme as a whole. As proposed, this takes the form of a narrow twin track driveway of the type that might typically serve an agricultural enterprise and for which there are other examples in the Olchon Valley. Additionally, the route of the driveway seeks to limit its visual impact by crossing a watercourse into a less visually prominent part of the site before crossing a steeper field and arriving at a more level part of the site where the compound would be created. The compound area itself will require the creation of retaining structures which by their very nature are uncharacteristic but counter to this, the area benefits from well-established vegetative screening such that the visual impact would be more limited and is only considered to be felt at longer distances from the site where views are filtered by existing landscaping features.
- 6.29 Nevertheless it is acknowledged that there is a clear tension in relation to the policies focussed on preserving the landscape character of the site and wider locality and those that recognise the value of restoring the heritage assets that form part of that character. Taking all of this into account officers acknowledge the harmful aspects of the interventions proposed in the landscape but consider that these have been designed to reduce their visual impact. Furthermore, it is concluded that there is realistically no other viable option to provide access and parking for the restored farmstead since this would likely involve providing parking (and some form of garaging) remote from the farmstead, probably on lower lying land some 150 metres east of the buildings and closer to the field access to the site.
- 6.30 Taking the above assessment into account, the conclusion is that if one accepts the positive principle of the restoration of those locally identified historic farmsteads through well designed extensions and alteration, there will likely be attendant negative impacts required to realise this. The proposal as submitted is considered to strike an appropriate balance that minimises the degree of impact in a manner that is considered to be outweighed by the value of restoration as recognised in policy LGPC4. In this regard, officers consider that the first two reasons for refusal of the previous proposal have been satisfactorily addressed

#### Ecology and Drainage

- 6.31 CS Policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.32 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that

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this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.33 Alongside the sensitive landscape context of the site, there is also unsurprisingly an attendant biodiversity value. It is located within a Local Wildlife Site (LWS), as well as within the Risk Impact Zone for the Black Mountains Site of Special Scientific Interest (SSSI); the Olchon Farm Meadows SSSI; and partially in the Black Mountains Woodland Special Wildlife Site (SWS), meaning the whole area is ecologically sensitive, important and diverse. Since the refusal of the last proposal and as a result of ongoing concerns identified as part of the assessment of this application, there has been extensive discussion and exchange in relation to ecological impacts upon the site. In this regard, it has been established that by reason of the condition of the buildings themselves, there are no likely impacts upon protected species associated with re-establishing the farmstead. Rather the identified impacts arise from the requirement to provide the means of access through what is clearly a highly sensitive and designated area of the site and to mitigate this impact.
- 6.34 The approach is based upon the principles of Biodiversity Net Gain, and although not mandatory for this application by reason of its submission pre-dating the recently introduced legal obligations, it has been scrutinised by the Principal Natural Environment Officer (Ecology). The fundamental basis upon which the submission is based relates to a combination of retained, created and enhanced habitats upon the site and following further amendments to baseline information and further clarification around the methodology for enhancing the lowland meadow grassland habitat, the proposal has secured the condition support of the Principal Natural Environment Officer (Ecology). Furthermore, the Council has undertaken a Habitat Regulations Appropriate Assessment which has been corroborated by Natural England.
- 6.35 Accordingly, whilst acknowledging the views and concerns expressed by the many representations received to this application, officers advise that in its revised and updated form, the proposed development has addressed the third reason for refusal attached to the previous decision and accords with the relevant requirements of CS policies LD2, LD3, SD3 and SD4.
- 6.36 In relation to the proposed surface and foul water strategy, this is based upon a design that would discharge surface water and treated effluent to local watercourses in accordance with industry standards. The surface water would be attenuated to achieve Greenfield run off rates through a combination of rainwater harvesting; the use of permeable surfaces and a small attenuation feature (crate or basin) before discharging to the adjacent watercourse.
- 6.37 The foul drainage strategy would similarly be designed to discharge to local watercourses and the supporting technical documentation makes clear that this should and would meet the Environment Agency's General Binding Rules.
- 6.38 The drainage strategy has been the subject of consultation with the Councils drainage consultants who consider that the level of information provided demonstrates that a viable foul and surface water solution exists. A condition requiring further detailed information is recommended and given the general acceptability of the strategy, it is considered reasonable to require this as a pre-occupation condition.
- 6.39 The drainage strategy is considered to meet the requirements of CS policies SD3 and SD4 and LGNDP policy LGPC14 although a condition is recommended to secure the final details of this in order to ensure full compliance and ongoing maintenance provisions are in place.

#### Highways

- 6.40 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. CS Policy MT1 and LGPC8 are reflective

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of this approach, as they seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

- 6.41 As noted in the Area Engineer Team Leader`s comments, no objection is raised to the proposal subject to the inclusion of recommended conditions. The proposed conversion will create trip generation that is likely to be similar to the lawful use of the site, albeit currently unoccupied. In this regard whilst acknowledging the concerns raised about increased traffic associated with the residential occupation of the site, these do not amount to a tangible increase in intensification that would substantiate the refusal of permission. The existing field access point would be utilised though appropriate surfacing and would be required to meet the highway design guide standards. The details of this would be secured by condition including visibility splays, access and parking compound construction. The concerns about traffic generated during construction are noted but can be appropriately managed through the provision of a Construction Management Plan dealing with the size of vehicles, routing and timings of deliveries.

#### Conclusion

- 6.42 In weighing up the planning balance, it is considered that there is policy support through local and national policies for the restoration and conversion of this locally important historic farmstead through policies RA5 and particularly LGPC4. Previously there has been concern about the scale and extent of the new build and its form together with the associated engineering works required to provide the driveway and parking area.
- 6.43 This revised scheme has sought to address the previous refusal reasons through a reduction in the scale of works to the farmstead buildings and moreover the size and scale of the ancillary building and parking compound. Similarly the design and routing of the proposed driveway has been revisited and now achieves what is considered to be the best available option to enable the restored farmstead to function as a modern home. In coming to this view, officer`s recognise that there is a particular impact associated with the provision of the driveway but do not consider that there are clear alternatives. Accordingly whilst tension exists in relation to the visual and landscape effects of the proposed development, this can be acceptably mitigated and the residual harm in this instance is outweighed by the benefits of securing the restoration of the Aubreys farmstead, which is supported by the overarching principles established in LGPC4.
- 6.44 It is unfortunate that the revised proposal has not secured the full support of the Councils heritage and landscape advisers but your officer considers that an acceptable position has been reached which is underpinned by an appropriately informed assessment of the landscape and heritage effects of the proposal. Furthermore, the revised submission has now also secured the conditional support of the Principal Natural Environment Officer (Ecology) which is considered to address the third reason for refusal of the previous proposal
- 6.45 In light of the above and whilst recognising the high level of opposition to this proposal, officers conclude that an appropriate balance has been struck and accordingly recommend approval subject to conditions

#### RECOMMENDATION

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

##### Implementation

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

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**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 [(drawing nos. 3\_ 0106B Rev B, 0107B Rev B, 0108B Rev B, 0109B Rev B 0110B Rev A SK026 Track Access Detail and 22060.101 Rev. J), 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 Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies LGPC4, 8 12, 13 and 14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

**Pre-Commencement Conditions**

3. **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 45 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

4. **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**
- **Parking for site operatives**
- **Construction Traffic Management Plan (including details of vehicle sizes, routing and timing of deliveries and associated construction traffic)**

5. **Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified ‘responsible person’, 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; 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, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy Policies LD1, LD2 and LD3 and Policy .**

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 works shall commence until a structural survey and detailed report of advised structural works and interventions necessary is submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;

**Reason:** To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

**Prior to occupation and other stage conditions**

8. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls, roofs and all hardstanding area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC4 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

9. No demolition or re-building works shall begin until details and the methodology to secure the safety and stability of those parts of the building to be retained are submitted to and approved in writing with the Local Planning Authority. The works are to be carried out fully in accordance with the approved methodology and details. The methodology and details shall include:

- Strengthening any wall or vertical surface;
- Support for any floor, roof or horizontal surface,
- Provision of protection for the buildings against the weather;

The structure retained in accordance with the approved methodology during the progress of the works.

**Reason:** To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

10. Those parts of the development which are to be of stonework shall be of local stone, properly coursed, laid on its natural bed in a mortar approved by the local planning authority prior to the commencement of any works to the stonework. The works shall be carried out in accordance with the approved details

**Reason:** In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC4 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

11. **Before any works to the farmhouse or farm buildings begin in relation to the aspects specified below, the following details shall be submitted to and approved in writing by the Local Planning Authority:**

- **Details of the farmhouse and farm buildings roof construction;**
- **Samples of the type of roofing materials proposed;**
- **Details of new dormers;**
- **Treatment of gables and cappings;**
- **Treatment of verges and barge boards;**
- **Leadwork details (in accordance with LCA good practice)**
- **Means of ventilating rooves;**
- **Flues, vents or other pipework piercing the roof;**

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

**Reason:** To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

12. **No pointing or repointing of existing stonework shall commence until a drawing identifying the affected areas, details of the method of removing the existing mortar and details and samples of the new mortar mix and joint finish have been submitted to, inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**

**Reason:** To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

13. **No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:**

**Method & type of glazing.  
Colour Scheme/Surface Finish**

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

**Reason:** To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework

14. **The roof windows shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

- 15. Details of the material, sectional profile, fixings and colour scheme for rainwater goods (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework**

- 16. 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 Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

- 17. Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 3 cars 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 that area shall not thereafter be used for any other purpose than the parking of vehicles.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

- 18. Prior to the 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 the 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 occupation of the dwelling 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, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

- 19. Prior to the occupation of the development full details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the buildings hereby permitted.**

**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, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

20. With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme has been 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) Details of the access/driveway crossing point over the watercourse and a series of detailed cross sections through a range of locations to be agreed in writing
  - d) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
  - e) All 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 Policy LGPC12 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework

21. Before the development is first occupied or brought into use until a schedule of biodiversity enhancement and landscape maintenance for a period of 30 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 LGPC12 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

22. Prior to the first occupation of the development 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 and implemented as approved.

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

**Compliance conditions**

23. Stone slating stripped from rooves should be inspected for defects and set aside for reuse. Any balance to make up the shortfall should match the existing in all dimensions and characteristics as far as possible.

**Reason:** To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework

24. **New or re-built stonework shall match the existing stonework adjacent in respect of dimensions, colour, texture, coursing pattern, and pointing type unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building in accordance with policies LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

25. **Notwithstanding the requirements of condition 2 and unless otherwise superseded by other conditions attached to this permission, the development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application:**

- **PEA written by Heritage Environmental Contractors dated August 2021 (as updated 25 June 2024)**
- **Ecological Update written by Heritage Environmental Contractors dated July 2023**
- **Bat survey written by Naturally Wild dated December 2021**
- **Herptile Survey written by Nigel Hand Central Ecology dated June-August 2022**
- **Biodiversity Net Gain Assessment written by Ecus Ltd dated August 2023 (as updated 25 June 2024)**
- **Biodiversity Net Gain Metric 4.0 completed by Ecus Ltd (as updated 25 June 2024)**
- **Surface and Foul Water Drainage Strategy written by H+H Drainage dated August 2023**
- **Design Statement written by Rural Offices dated September 2023 (as updated 7 June 2024)**
- **Landscape Strategy by MHP Design dated 2022 (as updated 7 June 2024)**

**All the biodiversity mitigation measures shall be implemented in full and retained for a minimum of 30 years, unless otherwise agreed in writing by the local planning authority.**

**Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

26. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**

**H.E.C Tree survey and Categorisation to BS5837:2012  
Arboricultural Impact Assessment & Tree Protection Plan.**

**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, Policy LGPC12 Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

27. **Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA, B, C, D, E**

and F of Part 1 and Classes A and B of Part 2 and of Schedule 2, shall be carried out.

**Reason:** In order to protect the character and amenity of the locality and to comply with Policies LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

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

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework

29. No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

**Reason:** To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; Policy LGPC12 of the Longtown Group Neighbourhood Development Plan and ; and the council's declared Climate Change and Ecological Emergency

30. Unless first agreed otherwise by the Local Planning Authority in writing the framework of any solar panels shall have a matt black external finish which shall be maintained thereafter in the absence of any further specific written permission from the Local Planning Authority.

**Reason:** To preserve the character and appearance of the building and the surrounding landscape, in accordance with Policies LD1 and LD4 of the Herefordshire Local Plan - Core Strategy, Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

31. All new external work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

**Reason:** To ensure the development is in keeping with the existing building and sympathetic to the visual amenity of the area in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy Policies LGPC4, 12 and 13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework

32. 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.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

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 Policy LGPC12 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework

33. The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European Protected Species Licence as recommended in the reports provided by Ecus and H.E.C shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

Reason: To ensure Biodiversity Net Gain as well as 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 and Policy LGPC12 of the Longtown Group Neighbourhood Development Plan.

**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), with enhanced protection for special "protected species" such as all Bat species (roosts whether bats are present or not), Badgers, 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.

Decision: .....

Notes: .....

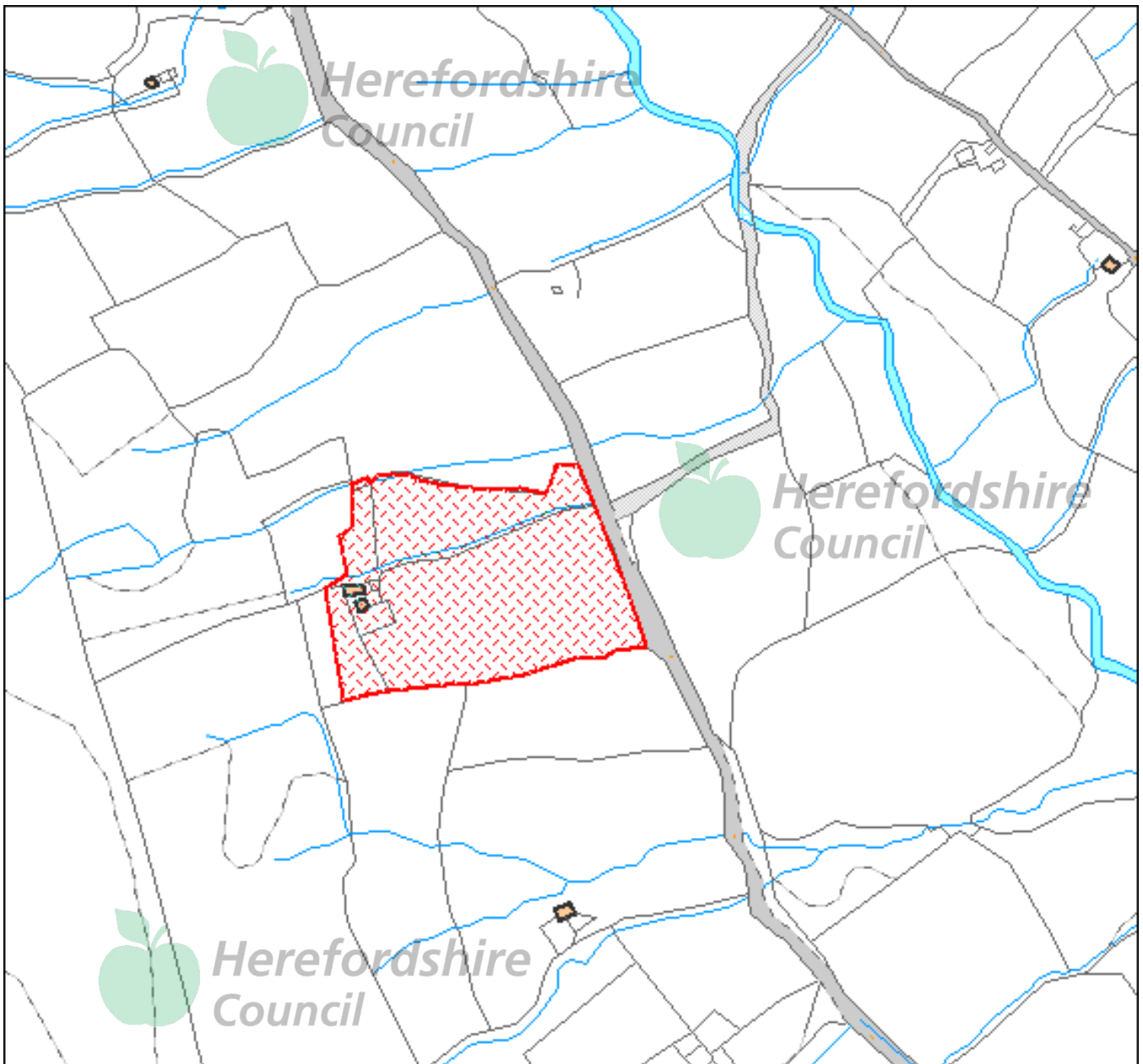
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**Background Papers**

None identified.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



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**APPLICATION NO:** 232851

**SITE ADDRESS :** AUBREYS, TO THE WEST OF THE MOUNTAIN ROAD, LLANVEYNOE, LONGTOWN, HEREFORDSHIRE, HR2 0NL

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