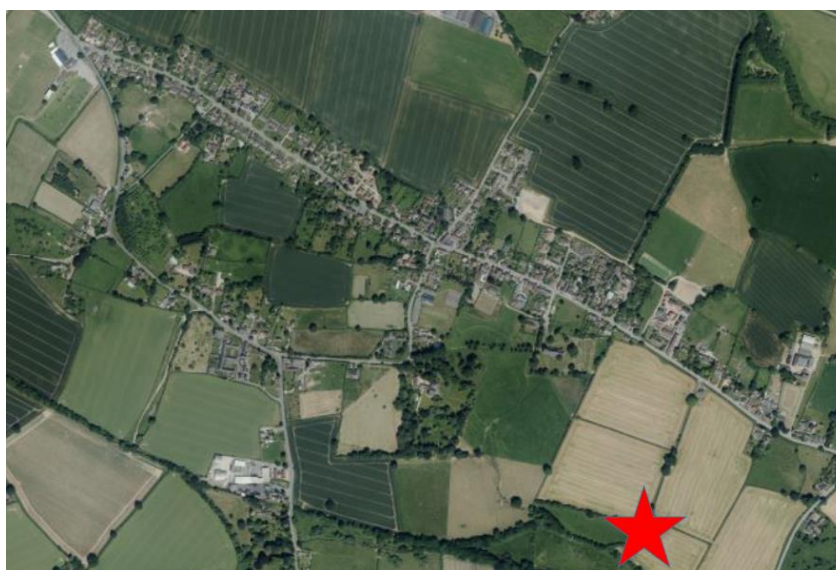


MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	9 FEBRUARY 2022
TITLE OF REPORT:	200995 - PROPOSED CONVERSION OF THREE AGRICULTURAL BUILDINGS TO FORM TWO DWELLINGS AND GARAGING WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT BARNS AT KINGSLAND, SOUTH OF LONGFORD, LEOMINSTER, HEREFORDSHIRE, For: Mr Gwatkin per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200995&search-term=200995

Reason Application submitted to Committee – Redirection
Date Received: 25 March 2020
Ward: Bircher
Grid Ref: 344944,261040
Expiry Date: 18 June 2021
Local Member: Cllr S Bowen
1. Site Description and Proposal

- 1.1 The application relates to a site near the village of Kingsland in the north west of the county, approximately 5km north west of the market town of Leominster. Kingsland has a strongly prevailing linear settlement pattern with the main ribbon of development being found alongside the B4360 as it runs through the village on a broadly east-to-west axis. The historic core of the village is focused around the central crossroads, with more recent residential development extending along North Road to the north west and Longford to the south east. Development along Longford is mainly confined to the north side of the highway, with the southern side having an open aspect toward undeveloped countryside. The proposal site in this instance is located to the south-east of the village and is denoted by the red star on the map below:



Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

1.2 The proposal site lies around 300m to the south of Longford (B4360) and is accessed from the highway by a stoned agricultural track. There is a dwelling known as Pinsely Farm situated adjacent to the highway access and the track runs alongside a hedgerow that includes a number of mature oak and ash trees which are subject to Tree Preservation Orders (TPO). The topography of the area is generally flat with the landscape character defined by large field enclosures. At the end of the track there is a small cluster of agricultural buildings that are loosely arranged around a central courtyard. The buildings are of varying ages and in varying states of repair. A summary is provided below which corresponds to the plan in Figure 2:

- Barn 1 is a timber framed building of traditional rectilinear form that is clad with timber boarding under a corrugated tin roof. The main element of the barn is two storey, with a smaller single storey extension being located on its north side.
- Barn 2 is a modern steel framed building. It has a concrete floor slab and walls are formed of concrete block to a height of approximately 1.5m. Above this, the walls and roof are enclosed by corrugated asbestos sheeting. It is in a good state of repair.
- Barn 3 is a mono-pitched structure which as elements of both steel and timber framing. As a whole, the building is in a poor state of repair with the western portion being particularly degraded; however the portal framed section to the east is in comparatively good condition.

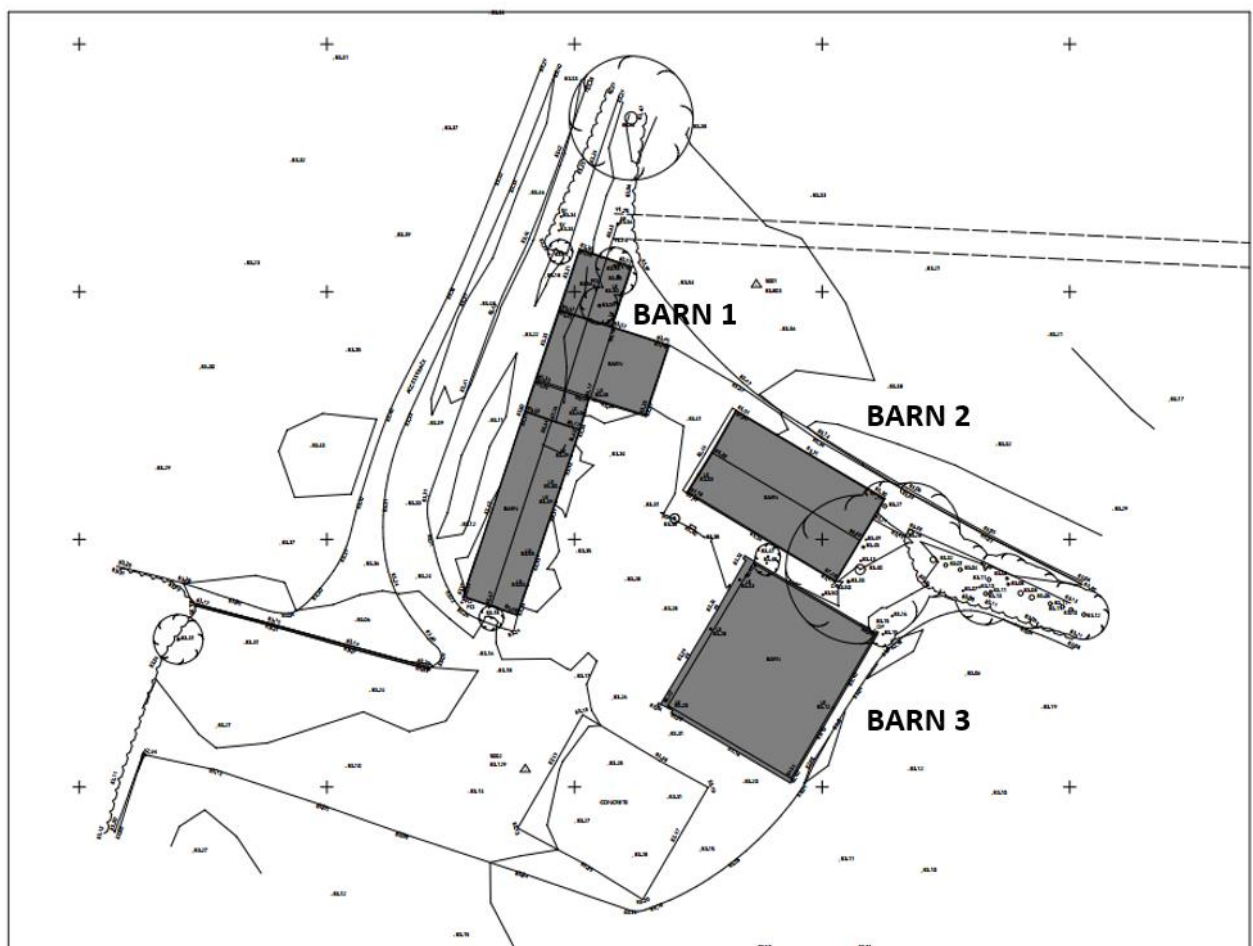


Figure 2: Existing Site Survey Plan

1.3 The buildings are located approximately 100m to the north of the Pinsley Brook, which is a tributary of the River Lugg and is a designated a Special Wildlife Site. The buildings are located in Flood Zone 1 (low risk of fluvial flooding) as defined by the Environment Agency's risk map for planning. A public footpath (KL3) runs on the northern banks of the brook and this links to the

1.8 As well as the proposed plans, the application is supported by the following:

- Design and Access Statement by OHA Architecture
- Planning Statement by Tompkins Thomas Planning Ltd (March 2020)
- Structural Condition Report by C2Designs dated (November 2019) plus addendum.
- Structural Engineer Report by Andrew Marcham & Co (February 2019)
- Landscape Statement by John Campion Associated Limited (August 2020)
- Percolation/Infiltration Test Report by William Stokes Consulting (July 2020)
- Ground Water Level Assessment Report by William Stokes Consulting (October 2019)
- Foul Drainage Technical Note 2439-TN01 by Spring Design including amended Drainage Strategy Plan Revision E received 15/9/2021.
- Ecological Assessment by Star Ecology Ref: OHA/2308/19.1

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
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
H3	-	Ensuring an appropriate range and mix of housing
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

It is highlighted to Member's that 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 confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

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

2.2 Kingsland Neighbourhood Development Plan (NDP)

The Kingsland Neighbourhood Development Plan was made on 16th October 2017. The following policies from the NDP are considered to be of relevance to the current proposal;

Policy KNDP 1:	Promoting a Sustainable Community
Policy KNDP 2:	Development Strategy
Policy KNDP 3:	Sustainable Design
Policy KNDP 4:	Retaining the Rural Character of Kingsland Parish
Policy KNDP 5:	Protecting Kingsland's Heritage Assets
Policy KNDP 6:	Kingsland Village and Conservation Area
Policy KNDP 7:	Addressing Flood Risk
Policy KNDP 8:	Highways and Transport Infrastructure
Policy KNDP 14:	New Homes in Kingsland Village

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

https://www.herefordshire.gov.uk/directory_record/3070/kingsland_neighbourhood_development_plan

2.3 National Planning Policy Framework

The following Chapters of the NPPF are considered to be relevant to the current proposal:

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

The NPPF can be viewed here;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

3. Planning History

- 3.1 There are no past planning applications applicable to the site.

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No objections

The application site is within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site (also commonly referred to as Natura 2000 sites), 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 Lugg Site of Scientific Interest (SSSI).

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 have¹. 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.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that the proposal **will not result in adverse effects** on the integrity of the sites in question. Natural England **agrees** with the assessment conclusions.

4.2 **Historic England** – No bespoke comments. Refer to local specialist advice.

Thank you for your letter of 07 April 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.3. **Welsh Water** – No objections

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Internal Council Consultations

4.4 **Transportation Manager** – No Objections

Initial Consultation Response (7th March 2020):

The layout of the proposed development is acceptable and includes sufficient parking and turning areas for vehicles associated to the development.

The provision of secure cycle parking is not included within the submission and is required to ensure that residents can make choices about the way they travel. The application of CB2 is recommended to ensure the delivery of this in the event that permission is granted.

The access is demonstrated as acceptable in the submitted drawings that set out both the available visibility and the ability of vehicles to safely turn from and into the access from the B4360. However, the details do not include passing places on the access road to the dwellings as required by Herefordshire Council's Highways Design Guide for New Developments (Shared Private Drive is the appropriate standard for this development). This ensures that vehicles accessing the dwellings will not be encouraged to complete unsafe manoeuvres to avoid each other.

Additionally vehicular accesses that exceed 45m from the highway boundary to the front face of a building should be referred to a building control inspector. In these circumstances access and turning for emergency vehicles may be required (see section 6.7 of Manual for Streets).

The details are unacceptable, but can be made acceptable by reviewing the design of the shared private drive arrangement.

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:

Second Consultation Response (14th September 2020):

The outstanding highways comments for this application related to the access to the barns. The revised drawings received sets out both an appropriate turning area and vehicle passing bays at appropriate intervals for the alignment of the route. It is recommended that these drawings are included in an appropriate condition in the event that permission is granted. There are no highways objections to the proposal

4.5 Conservation Manager (Historic Buildings and Built Heritage) – No Objections

Recommendation: Approval with Conditions

Reason: The less than substantial harm the proposals would cause to the agricultural character of a traditional farm building is mitigated by the improved viable use of the site and as such is in accord with policies contained within the National Planning Policy Framework (NPPF) and Herefordshire Council's Core Strategy. Further, the proposals preserve the agricultural character of this part of the conservation area by retaining the traditional courtyard site plan.

Description & Location of Development

The site at Kingsland comprises three redundant farm buildings arranged in a traditional courtyard plan. While the site is located within the Kingsland Conservation Area, it lies in open fields and is outside the Kingsland village settlement boundary. While the buildings on site are unlisted, the structure on the west of the yard (unit A) is a well preserved example of a traditional agricultural building and can be considered a non-designated heritage asset. The other two structures to the north and east, (units B & C respectively) are more modern in date and are of no architectural or historical value.

There are a number of listed building in the surrounding area of this site. St. Michael's Church, grade I listed, is located about 400m north-west, and "The Elms" farmhouse, grade II, is 330m due east. Other listed buildings are located further away and their setting will not be affected by development at this site.

Comments

Change of use: There would be no objection on building conservation grounds to change the use from redundant agricultural to domestic.

Impact on Conservation area and nearby Listed Buildings: By retaining the traditional courtyard layout the proposal would have minimal impact to the settings of the surrounding listed buildings and conservation area. Indeed, the effective reuse of a heritage asset worthy of preservation would be a positive development for the area.

Landscaping: When converting agricultural buildings to domestic dwellings, care must be taken to avoid detracting from the significance of the buildings by introducing overly domestic features. The paved area of the courtyard should be extended in the south-west to form a more regular and traditional shape. The extension of the soft landscaping to form a boundary should be kept to a minimum, and used only in areas where privacy is desired. For example, it should not be placed

around the front entrances of either dwelling. The hedges which line the access roads to both dwellings should not be an imposing height, or should be removed altogether.

Unit A: Unit A is a two storey timber framed traditional barn with timber cladding, two later single storey extensions were added to the north of the main building. There is no objection to the demolition of the lean-to extension to the north east as it does not contribute any significance to the structure. The application proposes separate treatment in terms of cladding and roofing materials in order to provide clear differentiation between the building phases. All original timber cladding should be retained and repairs made where possible. Original openings are retained and reused, any new proposed openings are limited and located away from the main courtyard-facing elevations. The plan makes good use of the existing internal arrangements with minimal intervention in order to facilitate its use as a dwelling

Unit B: This building has no architectural or historic merit. A portal frame building, it is a later post-war addition to the site. The proposed design for conversion retains the generally agricultural character of the building, and its viable reuse would improve the setting of the heritage asset, Unit A.

Unit C: Also a modern portal framed structure, it has become partly dilapidated. The proposal would see its footprint reduced by the removal of redundant material. The conversion of this dilapidated building for garaging and storage improves the viable use of the other buildings as dwellings. By facilitating a space to park cars and store large domestic items such as bins and lawnmowers, it reduces the potential clutter on the site. This would allow for better maintenance of the courtyard plan form which defines the character of the buildings, and their relationship to the conservation area.

Extract fans and Electricity boxes: Care should be taken when considering the placement and colour of external service features such as extract fans and electricity boxes, in order to reduce their visual impact. If placed without proper thought, these services can detract from the agricultural appearance of the buildings, thus effecting their significance.

Insulation: The plans don't specify how the new dwelling is to be insulated. If impermeable lining is to be used, it is recommended a condensation risk calculation is carried out and there is sufficient ventilation to avoid condensation and subsequent damp problems.

4.6 **Conservation Manager (Ecology) – No Objections**

Habitats Regulations and Drainage

The amended foul water management system as detailed in plans received 08/09/2021 are noted. These are in principle the same as those subject to an initial HRA in July 2020. To accommodate the updated information now available and changes in HRA processes since July 2020 an updated HRA process is triggered and the completed Appropriate Assessment should be subject to a formal consultation process with Natural England and a 'no objection' response received prior to final grant of planning consent. From the initial HRA discussions it is considered probable that NE will have no objections to this final consultation.

The technical details have now been supplied, the only change is to replace a single shared PTP with individual plot specific PTP units, but the overall outfall remains the same through a shared 'mound' type system that is demonstrated to have sufficient ground percolation below the mound accommodate all flows from the two dwellings proposed. It also ensures the scheme is compliant with the criteria of the Council's Position Statement.

Appropriate Assessment information, discussion and proposed mitigation measures:

- The council's drainage consultants have advised that they have no technical objection to the final schemes proposed for surface water or foul water management from the development.
- The applicant proposed utilising plot specific private Package Treatment Plants to manage foul water from each of the two proposed dwellings.
- The site does not have sufficient percolation capacity or depth to ground water to accommodate a normal soakaway drainage field. A mound soakaway system can be utilised – this will offset the poor percolation and raise the soakaway system at least 2m above actual ground water level.
- The percolation achievable (as demonstrated by supplied testing) beneath the mound is sufficient to provide the required final 'polishing' of the treated effluent to ensure P is managed within the mound and local soils and there are no pathways to ground water or potential for surface leakage of effluent.
- The shared drainage mound will be managed by a relevant legal agreement between the two properties to ensure ongoing management is secured.
- The mound is a flat surface.
- The drainage mound is at least 50m from any watercourse.
- The drainage mound is at least 50m from any habitat with a nature conservation designation.
- The local soils do not offer any geological or other expedited phosphate pathways to any part of the Lugg SAC hydrology.
- There are no other drainage fields within 200m

Surface Water:

- The site is an existing developed farm area and any additional surface water created will be minimal.
- All surface water will be managed through soakaway-infiltration features including Sustainable Drainage features such as swales.
- The supplied information confirms that this scheme is possible at this location.

The agreed schemes and management can be secured by condition on any consent granted.

The previously suggested conditions to secure the foul water system (and surface water and shared management arrangements) should be updated according to the new system where only the final 'mound' is a shared foul water feature. The reasons for the conditions are also amended to accommodate changes due to Brexit.

****Refer to recommended conditions at the end of this report****

The LPA is satisfied that there are no identified Adverse Effects on the Integrity of the River Lugg (Wye) SAC from the proposed development.

Protected Species

The previous other ecology comments and suggested conditions from July 2020 remain appropriate and subject to 'brexit updates' remain relevant. The references to Habitat Regulations in the reasons on the conditions should be amended 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') "

The supplied ecology report is noted. This includes details that a Bat roost is identified within one of the barns on the site and thus potential for any works on this 'compact' site to impact or disturb a protected species and their associated activities and core sustenance zones. Further detailed 'optimal period surveys' between mid-May and August (inclusive) are required to full understand

the presence and use of the site by protected species and to provide evidence required to support an appropriate European Protected Species Licence application to Natural England.

If the applicant is willing to accept a pre-commencement condition to secure these required optimal period surveys, submission of the associated report and the updated plans clearly detailing the proposed mitigation and compensation features required then there is case precedence to allow this process. This is only an option in this specific application as the LPA has no reason to believe that the required 'tests' associated with a protected species licence cannot be met within the finally approved development.

If the applicant is not willing to accept a pre-commencement condition then no planning consent should be granted until the required additional surveys, report and amended plans have been supplied to the LPA for consideration and comment.

Suggested pre-commencement condition - subject to acceptance in writing by the applicant:

Any other potential effects on wildlife are managed by the applicant's and their contractor's legal obligations under the Wildlife & Countryside Act and other relevant legislation which is above any planning condition requirements with any breach being a potential criminal offence; and so it is not appropriate for this LPA to include any 'wider' ecology protection condition in this instance.

As identified in the NPPF, NERC Act, Core Strategy LD2 and draft Environment Bill all developments should clearly identify how they are going to achieve enhancement of the local biodiversity values. To secure this a condition is requested. These enhancements are in addition to any mitigation or compensation required to obtain a European Protected Species Licence:

4.7 **Conservation Manager (Arboriculture) – No Objections**

The access is altered slightly from the existing one that appears to be come within the rooting area of the TPO'd Oak tree. This is something that I didn't pick up on my previous comments which I apologise for but the issue must be addressed. This can be done by submitting a tree report with arboricultural impact assessment and method statement via a condition. The addition of the landscape plan is welcomed and don't have any issues with it. Conditions;

- CKB Protection during Construction
- CKC Method Statement
- Prior to the commencement of any works a method statement must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement

4.8 **Conservation Manager (Archaeology) – No objections**

Although in a general sense the proposed development would lead to some changes to the setting of Kingsland Castle and Church, the particular nature of the development and the significant distances involved mean these changes would be very minor. I see no other potential archaeological issues here. Accordingly, I have no objection.

4.9 **Conservation Manager (Landscape) - Mixed comments / Conditions recommended**

Initial Comments

The following information and comments are based on the application material, desktop study and site visit.

Changing the agricultural buildings into residential buildings result in some concerns, such as design, colour and associated domestic impacts on the visual amenity of the countryside setting

and physical wellbeing of the landscape. The existing buildings are visible from the village and public right of ways surrounding the site (for example the church, refer to figure 1), and the change of use will most likely draw attention to itself. For example, the loss of a large tree (Refer figure 2 and 3), exposes the buildings, and the black will create a stark silhouette (as taken from a view, south of the site). Contrary to national guidance NPPF 12, 170b and c; and local policy (Core Strategy) LD1.

The access track is located within close proximity to a number of significant trees that are protected. The increased vehicle use and potential rigid surface that will most likely be required with increased traffic and wet weather conditions, may influence the health of the trees overtime. Contrary to NPPF 15, 170a and local policy (Core Strategy) LD1, LD3 and SS6.

The change of use, however could be mitigated with careful consideration of the design; colour of the buildings; retention and protection of existing trees (i.e. relocation of track away from protected trees); and enhancement with the right trees, at the appropriate mature size and management conditions.

Minimise the visual impacts and enhance the setting with large trees (This includes from day one). It is good practice to consider the wider landscape, in this instance to propose trees that respond to the local landscape character as seen in the view. This may result in the reconsideration of orchard trees as the main tree strategy, and look to introduce large native trees.

Reduce the visual impact of the development by design, material, colour and finishes. Investigate how the building can blend in with the landscape. Black or Anthracite may be too stark (Refer to figure 3 and 4) Consider earthy colours, such as browns and greys in a matt finish, that are reflective of the mix of colours of the agricultural buildings.

The character of the existing agricultural buildings come with a variation of lines between vertical and horizontal (i.e. the barn with horizontal timber facades and vertical corrugated roof). This same approach may be needed to ensure the new language leads to an enhancement of its setting, not a loss of its inherent qualities. The skylight windows, distract from the original barns objectlessness and may cause unwarranted glare during the day and light impact at night (Refer to figure 5 and 6) and example (Refer to figure 7). This same principle applies for solar panels that are highly reflective.

Reduce the impact on the protected trees by moving the track away from the trees and enforce tree root protection methods. Refer to BS 5037:2012.

Consider these recommendations as part of the following conditions:

- CK3 Landscape Scheme
- CK4 Implementation
- CK5 Maintenance Plan
- CK13 Samples of external materials

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

Refer to schedule of images available in representation on Council's Website

Further Comments 11th September 2020

My previous comments still stand, however I would like to reiterate the focus on colour and provide a recommendation on the landscape layout.

I would like to reiterate the importance of colour in this landscape setting. The preference would be for earthy colours that pick up the subtle nuances of the landscape and the existing buildings, rather than black, that I think is too harsh in this setting. Consider each individual building having a variation in tone. This may breakdown the mass of the development.

Undertake an Environmental Colour Assessment to objectively validate the colour selection. A useful reference is the Malvern Hills AONB Partnership's 'Guidance on the selection and use of colour in development' (Note this can be downloaded from the web). There are useful tips and recommendations for materials and understanding of colours appropriate for the Herefordshire landscape.

Add emphasis on this requirement with the following condition or informative, as taken from CK6, Landscape Scheme, item p): Provide an Environmental Colour Assessment (ECA), to inform the choice of external colour of the development/feature/building.

Consider adding the following to further refine the process:

Provide samples of the proposed external materials and finishes, as per previously outlined condition, C13 Samples of External Materials, and assembled these together on the site, so they can be considered within the contextual landscape colour palettes/s and then adjust if necessary. Ensure to consult with the LPA, so they can be informed of the process.

Layout: This landscape is dominated by a simple geometry of large fields, bound by simple lines of hedgerows, and marked with large hedgerow trees. This simplicity is influenced by a finicky layout that literally follows the functional requirements of the scheme. I have highlighted this on figure 1. A more desirable approach, refer to figure 2, would be to make the boundary of the development respect the landscape scale.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policy LD1 of the Herefordshire Local Plan - Core Strategy.

4.10 Building Control Officer – Qualified Comments

I can confirm that the access arrangements proposed would satisfy Building Regulations Requirement B5 (Access and Facilities for the Fire Service) and appear to be as previously discussed by myself with the agent; Jim Hicks of OHA.

In terms of the structural reports, the respective conclusions reached would appear to me to be reasonable and typical of the majority of agricultural building conversions carried out. The steel portal framed building in particular offers a relatively simple conversion from a technical perspective. The timber framed barn presents a more complex process in terms of repair and upgrade but from the evidence supplied appears to be suitable for conversion, with its current condition being similar to or better than many I have overseen in recent years.

4.11 Land Drainage Engineer – No Objection

The comments provided below should be read in conjunction with versions 1, 2, 3 and of 4 Land Drainage comments, dated 21st May 2020, 20th November 2020, 26th January 2021 and 30th March 2021 respectively (available on the Council website). The final comments are provided in final response to the 'Amended Drainage Strategy Plan Revision E'.

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. In accordance with Environment Agency standing advice, the planning application is not supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

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

The applicant proposes a surface water drainage strategy that makes use of rainwater butts, rain gardens and an overflow infiltration basin. This is acceptable.

Foul Water Drainage

Following previous comments and amendments to the requirements of the River Lugg position statement the applicant now proposes the use of individual package treatment plants and pump systems for each property. These systems will discharge to opposite ends of a single drainage mound, each discharging to a different brake chamber and an individual set of pipework per property. The PTPs, pumps and drainage mound have all been sized in line with current guidance and are acceptable.

We note that previous versions of these comments requested two separate drainage mounds to be constructed, however as the requirements of the position statement changed during the design process the requirement for individual mounds was removed to fit the position statement and two sets of pipework within the mound was proposed. Land drainage accept this strategy at this site.

5. Representations

5.1 Parish Council – Objection

Initial Comments

Kingsland Parish Council met online earlier this week and decided to object to planning application 200995 - Barns at Kingsland for the following reasons:

- The condition of the barns is such that they are effectively a new build rather than a conversion as stated in the description of the planning application.
- As a new build, the proposal represents unjustified unsustainable new residential development in an open countryside location, outside of the defined settlement boundary within the Kingsland Village Neighbourhood Development Plan. It is contrary to Policies SS1, SS7, SD1, RA2 and RA3 of the Herefordshire Local Plan Core Strategy, together with Kingsland Neighbourhood Development Plan Policies KNDP1 and KNDP2.
- Development of the proposed site would adversely impact the conservation area in this area, which protects the fields and landscape towards St Michaels Church, the scheduled monument and Longford. As such, the proposal would result in material harm to the landscape and setting of the village, and would urbanise country land and unacceptably extend the built form into the open countryside. In doing so, the development is contrary

to Policies SS6 and LD1 of the Herefordshire Local Plan – Core Strategy and Policies KNDP1 and KNDP4 of the Kingsland Neighbourhood Development Plan.

- The site is close to Pinsley Brook and the proposed package treatment plant runs the risk of polluting the watercourse with phosphates to the detriment of local wildlife and well-being. Further, the risk of flooding and surface water run-off is considered to make the proposal unsustainable.
- The housing need has not been demonstrated. The NDP at Kingsland has more than delivered on the guidance for development in the core strategy, and there are believed to be some 20 new build properties presently on the market.

For these reasons the parish council respectfully urges that the planning authority refuse the planning application

Second Comments (Amended Plans) 14th October 2020

Kingsland Parish Council met online earlier this week and considered the amended and additional plans or documents for planning application 200995 Barns at Kingsland. The parish council acknowledges that some issues have been addressed, however the fundamental problems with the site remain, as set out below:

- The proposal represents unjustified unsustainable new residential development in an open countryside location, outside of the defined settlement boundary within the Kingsland Village Neighbourhood Development Plan. It is contrary to Policies SS1, SS7, SD1, RA2 and RA3 of the Herefordshire Local Plan Core Strategy, together with Kingsland Neighbourhood Development Plan Policies KNDP1 and KNDP2;
- Development of the proposed site would adversely impact the conservation area in this area, which protects the fields and landscape towards St Michaels Church, the scheduled monument and Longford. As such, the proposal would result in material harm to the landscape and setting of the village, and would urbanise country land and unacceptably extend the built form into the open countryside. In doing so, the development is contrary to Policies SS6 and LD1 of the Herefordshire Local Plan – Core Strategy and Policies KNDP1 and KNDP4 of the Kingsland Neighbourhood Development Plan;
- The housing need has not been demonstrated. The NDP at Kingsland has more than delivered on the guidance for development in the core strategy, and there are believed to be some 20 new build properties presently on the market.

Kingsland Parish Council respectfully requests, on the grounds of public interest, that the planning application is decided by Herefordshire Council's planning committee

Third Consultation Response (11th May 2021)

Kingsland Parish Council considered the latest re-consultation on amended plans or documents for planning application 200995 Barns at Kingsland. The parish council wishes to highlight once again the fundamental constraints of the proposed site:

- The condition of the barns is such that they are effectively a new build rather than a conversion as stated in the description of the planning application. As a new build, the proposal represents unjustified unsustainable new residential development in an open countryside location, outside of the defined settlement boundary within the Kingsland Village Neighbourhood Development Plan. It is contrary to Policies SS1, SS7, SD1, RA2 and RA3 of the Herefordshire Local Plan Core Strategy, together with Kingsland Neighbourhood Development Plan Policies KNDP1 and KNDP2.
- Development of the proposed site would adversely impact the conservation area in this area, which protects the fields and landscape towards St Michaels Church, the scheduled monument and Longford. As such, the proposal would result in material harm to the landscape and setting of the village and would urbanise country land and unacceptably

extend the built form into the open countryside. In doing so, the development is contrary to Policies SS6 and LD1 of the Herefordshire Local Plan – Core Strategy and Policies KNDP1 and KNDP4 of the Kingsland Neighbourhood Development Plan.

- The site is close to Pinsley Brook and immediately adjacent to areas prone to flooding. The proposed treatment plants if flooded will pollute the watercourse with phosphates to the detriment of local wildlife and well-being. The risk of flooding and surface water run-off is considered high due to climate change and sufficient to make the proposed development unsustainable.

5.2 **Letters of Objection** have been received from **ten individuals**. They are summarised as:

- The proposal is contrary to policies KNDP1, KNDP2, KNDP4, KNDP6 and KNDP9 of the Kingsland Neighbourhood Plan, policies RA3, RA5, LD1 and RA5 of the Herefordshire Core Strategy and the principles of the National Planning Policy Framework
- The site is outside of settlement boundary for Kingsland as defined by the NDP and there is an absence of special justification for the principle of new housing development to be supported in the open countryside
- The nature of the existing buildings is such that scheme constitute 'rebuids' rather than true conversions (having regard to Hibbitt principles in the context of Class Q permitted development)
- Scheme would domesticate a cluster of rural buildings, creating a node of development which is harmful to landscape character.
- The scheme would be harmful to the Kingsland Conservation Area and approval would fail to fulfil the LPA's duties under Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- Harm to setting of listed buildings (Kingsland House II*, Kingsland Church of St Michael I, memorials associated with church) and Scheduled Ancient Monument of Kingsland Castle. Approval would fail to fulfil the LPA's duties under Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- Fails to respect the 'open area to the south of Longford' which is protected by KNDP6.
- Unsustainable location to access services in village. Increased car dependency.
- Drainage scheme has the potential to adversely impact upon water quality in the nearby Pinsley Brook, and consequently on the River Lugg and River Wye SAC, through phosphate discharge in foul water and other construction impacts.
- Drainage mounds are incongruous feature within the landscape
- Inadequate provision for storage and collection of rubbish.
- The significant level of housing already delivered in Kingsland is such that there is no unmet need to deliver further housing above that planned for in the NDP.
- Disruption to rural setting and tranquillity of footpath network along Pinsley Brook
- Harmful impact to character caused by upgrade and formation of new roadway
- Dwellings at risk of fluvial flooding from Pinsley Brook

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=200995&search-term=200995

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

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

6. **Officer's Appraisal**

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 comprises the Herefordshire Local Plan – Core Strategy (CS) and the Kingsland Neighbourhood Development Plan. The latter was made part of the statutory development plan in October 2017. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to relate to promoting sustainable rural housing, protecting heritage assets and features of environmental value – have been reviewed and are considered to be consistent with the principles established by the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.5 The NPPF sets out that all planning decisions should apply the presumption in favour of sustainable development. The manner in which this should be applied is defined at Paragraph 11 of the NPPF. Paragraph 11 c) directs that proposals which accord with an up-to-date development plan should be approved without delay. At 11 (d), the framework states that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 8, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.
- 6.6 The most recent Annual Monitoring Report for Herefordshire was published in July 2021. This sets out that the supply figure for Herefordshire currently stands at 6.9 years, with the current delivery test being 106%. The Council is therefore currently able to demonstrate well in excess of a five year supply of housing land. This means that the policies of the Herefordshire CS and the Kingsland NDP are considered to be up-to-date and can be afforded full weight in the decision making process.
- 6.7 In the context of a proposal involving the delivery of housing, the CS sets out the spatial strategy and policy RA1 states that Herefordshire’s rural areas will deliver a minimum of 5,300 houses across the plan period. RA2 goes on to identify the settlements which are to be the focus of new housing. At figure 4.4, Kingsland is identified to be a main focus for proportionate housing growth. As a rural settlement, the village is comparatively well served with a range of services and facilities such as a primary school, a GP surgery and two public houses. The policy states that new development will be supported within or adjacent to the built up form of the settlement or, where a neighbourhood plan is advanced, within settlement boundaries (or any reasonable alternatives).

- 6.8 The development strategy for Kingsland parish is set out at policy KNDP2 of the NDP. This sets out that the identified settlements of Kingsland, Cobnash and Shirlheath will be the main focuses with new housing being delivered within the defined settlement boundaries. Bullet d) of the policies that the development outside of the identified settlements should be exceptional and located in accordance with relevant policies in the development plan including in Herefordshire Core Strategy, in particular but not exclusively, Policy RA3, and the Neighbourhood Plan.
- 6.9 The settlement boundary for Kingsland runs along the north side of Longford road. The site in question is located around 300m to the south of this and is hence located outside of the defined boundary. The principle of new residential development here is hence not ordinarily supported by RA2 or KND2 a).
- 6.10 With the site being outside of the settlement in the countryside, it then falls to be considered against Core Strategy policy RA3. This states that in rural areas new residential development will be limited to proposals which satisfy one or more of a number of criteria. The criteria reflect those set out at Paragraph 80 of the NPPF, which directs that planning decisions should avoid the development of isolated homes in the countryside unless there are special circumstances. Amongst other things, the policy supports the sustainable re-use of rural buildings where the proposals would (i) comply with the requirements of policy RA5 and (ii) lead to an enhancement of its immediate setting.
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
- 6.11 As a starting point, the suitability of the subject buildings for conversion is assessed with reference to the requirements of RA5 4) and 5). It is noted that a number of the representations received, including from the Parish Council, cast doubt as to whether the barns are capable of accommodating a residential use without needing works that would be tantamount to a new build rather than a true conversion. Being mindful of the requirements of RA5, the application is supported by two structural reports examining the buildings proposed for the change of use. In relation to Barn 1, the main core of this is formed from a structural hardwood frame which is believed to originate from the second half of the 19th century – axiomatically indicating that the building is of a permanent construction. Although showing some signs of decay, the frame is on the whole considered to be in reasonable condition and in need of relatively minor remedial works before alterations could be undertaken to bring the building to a hospitable standard. The northern single storey element of the building is a newer introduction and is comprised of a softwood frame on a concrete plinth. Although of less architectural merit than the main part of the building to the south, the core of the northern part is found to still be of permanent construction that is suitable for conversion to residential use – although some poorer standard peripheral elements are identified for demolition. In relation to Barn 2, this is a utilitarian agricultural building comprising a steel frame, concrete floor slab and block work walls. Although not of any merit, it is clearly of permanent and substantial construction. The supplied engineer's report considers the building to be suitable for conversion, with the frame capable of supporting the loads associated with the new mezzanine floor and the existing block work walls providing a basis for the new external envelope. Whilst I have no reason to doubt the veracity of the supplied reports, the buildings have

also been inspected by a Building Surveyor from the Council's Buildings Regulations Service and the professional opinion offered by that Officer accords with the supplied reports. Both buildings are considered to be suitable for conversion and the works required are typical of the majority of agricultural building conversions carried out (Section 4.10 of this report). Moreover, neither building requires substantial alteration, extension or new buildings in order to facilitate a residential use. Although Barn 3 has not been subject to a survey and is evidently in a poor state of repair, this is not proposed for conversion to residential uses and it is logical to make use of the sound parts for the structure to provide ancillary garaging. Viewing the scheme holistically therefore, I consider the evidence submitted adequately demonstrates that the buildings in question are capable of being converted with regards to the requirements of RA5 4) and 5).

Design, Landscape Character and Heritage

- 6.12 In terms of the design of the conversion scheme, RA5 1) requires that schemes respect the character and significance of any redundant or disused building. Policy SD1 also requires that development proposals take into account the local context and site characteristics. Moreover, new development should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials whilst making a positive contribution to the architectural diversity and character of the area. Policy KNDP3 also sets out a range of principles which are applicable to the pursuit of sustainable design, whilst KNDP6 requires that proposals in Kingsland village should conserve or enhance the landscape setting or character or appearance of Kingsland village and reinforce its local distinctiveness. KNDP 4 and KNDP5 also set out requirements which seek to ensure historic and traditional rural buildings and farmsteads are conserved.
- 6.13 With regards to Barn 1, the main core of this comprises a traditional timber frame which is considered to have historic significance on account of its age and the quality of the surviving historic fabric which is a reflection of past building techniques and agricultural practices. Although not subject to any formal designations, it is considered to be a non-designated heritage asset. Paragraph 203 of the NPPF is therefore pertinent insofar as it directs that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing the application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. LD4 sets out similar principles.
- 6.14 The proposal for Barn 1 is considered to represent a sympathetic and minimally intrusive conversion scheme. The design seeks to make use of the existing internal spaces and features within the barn, and likewise existing openings are utilised for fenestration. Where new openings are needed, they are set to avoid original fabric and positioned in a manner which respects the agrarian character. The use of materials is also appropriate and the variation of this throughout the building helps to reinforce the differentiation between the original part of the barn and the newer single storey element to the north. Approval of final materials and finishes will be secured by condition. Specialist advice has been sought from the Council's Conservation Officer for Historic Buildings and no adverse comments have been offered in respect of the treatment of Barn 1. Indeed, it has been advised that the scheme would deliver heritage benefits in so far as it would secure the preservation of a non-designated heritage asset that is no longer fit for modern agricultural practices.
- 6.15 With regards to Barn 2, the proposed conversion scheme generally respects the agrarian and utilitarian character of the building. Its simple form and singular massing is maintained without any substantial alteration or extension, whilst a similar palette of materials is used to Barn A. The arrangement of fenestration is coherent with the character and ensures the origins of the structure remains perceivable. As such, I do not consider the design creates any policy tension.
- 6.16 The reuse of part of Barn 3 for ancillary garaging is logical and the retention of a building in this location helps to ensure that the courtyard layout of the site is preserved. The simple mono-pitched form also ensures the scheme maintains reference to its agricultural origins.

- 6.17 As is standard practice for barn conversions, conditions are recommended to restrict permitted development rights so that future alterations, extensions and other minor works such as boundary treatments can be adequately controlled. This is considered necessary in order to ensure the character of the scheme is maintained and in order to ensure due scrutiny can be exercised over any changes that may have the potential to affect the character of the locale or the Conservation Area.
- 6.18 In considering the wider landscape impacts beyond the confines of the buildings themselves, it must be noted that the site lies in an area of heritage sensitivity. It is within Kingsland Conservation Area and proximal to a number of listed buildings, the nearest of which The Elms to the east and the Grade I church of St Michael 400m to the north west. In such areas the Planning (Listed Buildings and Conservation Areas) Act 1990 places additional statutory duties upon the local planning authority. These are as follows;
- Section 66 (1) states that in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority should “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
 - Section 72(1) states that “with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 6.19 In exercising its heritage duties, the advice set out at Chapter 16 of the NPPF is also relevant. Paragraph 199 requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 200 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 201, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.20 The Council’s heritage duties are manifested in the development plan through numerous policies. Policy SS6 of the Core Strategy states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. In this regards policy LD4 of the Core Strategy is also 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’. LD1 is also relevant to landscape consideration in so far as it requires the schemes to demonstrate that the character of the landscape has positively influenced the design, sale and site selection, as well as the protection and enhancement of settlements and the settings of designated areas. It also sets out that scheme should seek to conserve and enhance the natural, historic and scenic beauty of important landscapes such as Conservation Areas.
- 6.21 At a local level, policy KNDP1 sets out a range of sustainable development principles which includes under point a) that proposals should give high priority to the conservation and enhancement of the rural character and local distinctiveness, particularly in relation to the preservation of the Kingsland Conservation Area and its associated character, landscape and views. Policy KNDP4 also sets out a range of principles which should be observed to ensure development contributes positively to the area’s rural character, such as e) ensuring that key landscape features of important views should be able to be continued to be enjoyed and that f)

the character and setting of historic and traditional rural buildings are conserved. KNDP5 then sets out a range of considerations to ensure that the parish's heritage assets, including those not yet identified, and its local historic character and distinctiveness are conserved or enhanced. In the context of development in the Conservation Area, KNDP6 applies and states that development here should conserve or enhance the landscape setting or character or appearance of Kingsland village and reinforce its local distinctiveness. It states that development proposals will only be permitted where they i) preserve or enhance the character and appearance of the Kingsland Conservation Area and ii) do not adversely affect the significance of heritage assets and their settings within the village. Part 1 of the policy also highlights a number of characteristics that are particularly valued by the community, which includes under point A) the approach into Kingsland from the south along the B4360 and b) the open aspect the south of Longford.

- 6.22 The buildings proposed for conversion lie to the south of Longford and approximately 300m away from the main built up edge of Kingsland. This undeveloped nature of the intervening land is such that they do not read as being a component part of the main village and are instead experienced as a cluster of agricultural buildings in a rural setting, which is not untypical of what one would expect to find in this context. However, the relative close proximity to Kingsland is such that they do have a visual relationship with the settlement and are a feature in views both into and out of the settlement. This is promoted by the extensive and evidently well used local footpath network, which effectively encircles the site on all sides. It is noted that the Applicant has provided a detailed Landscape Appraisal which has assessed the potential impacts of the scheme from key viewpoints along the footpath network. In my view, the most sensitive vantage points in respect of landscape character and the setting of the Conservation Area are as shown in figures 3 and 4 below:



Figure 3: View to the east at intersection of footpath KL2 and informal path to Church



Figure 4: View from footpath KL3 looking north west

- 6.23 As illustrated above, the subject barns are already features within the landscape from these vantage points. As the scheme entails the conversion of the existing structures however and does not seek to construct any new buildings, there would be no additional built form introduced into these vistas which would alter the relationship between the site and the surrounding key views. The massing of buildings and particularly the form of their roofscape, which is arguably the most defining feature of the buildings within the landscape, would be largely unaltered. Indeed, from the south west perspective (Figure 4) there would actually be a beneficial reduction in built form on account of the partial demolition of the dilapidated Barn 3 which can be seen in the right of the image. Although there would inevitably be a change in the character of the buildings and their immediate setting as a result of the residential conversion and the domestic paraphernalia associated with this, the fact that views of the site from surrounding footpaths are typically gained from a longer range of between 200m and 400m lessens the impact in this sense as the finer details of the buildings appearance are not readily discernible at these distances. I hence do not share the concerns that have been expressed by the Council's Landscape Officer in this regard. It is noted however that his final comments have made recommendations with regards to material finishes and colour, and I would agree that it is critical to ensure that these are suitably recessive to help the buildings continue to assimilate positively with the landscape. It is hence recommended to attach conditions to secure approval of materials prior to their installation.
- 6.24 Following on from this, it is not considered that the scheme would lead to any harm to the special characteristics of Kingsland that policy KNDP6 of the NDP seeks to protect. The location of the site, natural screening and absence of any new buildings is such that there would be no demonstrable impact upon the approach to Kingsland from the south on the B4360. Similarly, the absence of new buildings and natural screening is such that the scheme would have a barely tangible impact when experienced from Longford and would not lead to any erosion of the open aspect to the south of this which contributes positively to the area's character.

- 6.25 The scheme maintains existing trees and hedgerows where valuable to amenity and has put forward a scheme of landscaping which includes a range of new boundary hedgerow and tree planting. Whilst this is acceptable in principle and offers further landscape mitigation, it is considered that the layout of hedgerows in particular could benefit from refinement and simplification to better reflect surrounding field patterns as recommended by the Landscape Officer. Again it is recommended that these details are secured by condition.
- 6.26 It is noted that in order to be supported by RA3 and Paragraph 80, the scheme is also required to deliver an enhancement of the building's immediate setting. Whilst the scheme would lead to a degree of domestication of the immediate vicinity of the site, this is something of an inevitability with any residential conversion and in my view any harm that would occur in this regard would be demonstrably offset by the removal of features that do not currently contribute positively to the setting of the buildings – such as the removal of the dilapidated parts of Barn 3 and the removal of the large areas of concrete hardstanding to the south of this. The removal of these would generally improve the character of the immediate area, whilst preserving the courtyard layout of the site and allowing for a greater appreciation to be gained of Barn A in particular as a non-designated heritage asset. The planting brought forward as part of the landscaping scheme also provides betterment over the current situation. Taken together therefore, it is my view that the scheme achieves an enhancement of the building's setting as required by RA3 and Para 80.
- 6.27 With regards to potential for impact upon the Kingsland Conservation Area, the appraisal set out at Section 6.23 of this report is largely transferable in this regard as the nature of the scheme, entailing the sensitive conversion of existing buildings, is such it would inherently cause minimum intrusion to the special character of the designated area. Again, specialist advice has been sought from the Council's Conservation Manager and it has been advised that by retaining the existing and traditional courtyard layout the scheme preserves the character and significance of this part of the Conservation Area. No objections to the scheme in heritage terms are hence offered from this consultee. That being said however, I am conscious that the scheme does introduce a new residential use into a peripheral and rural part of the Conservation Area that is currently devoid of such uses, and hence a degree of domestication to its otherwise rural character would inevitably occur. In my view, this constitutes harm to significance of the asset – however the details of the scheme mitigate the effect and ensure that this is very minor and at the lower end of the 'less than substantial' spectrum. This should be taken into account by the decision maker.
- 6.28 With regards to the setting of listed buildings, the closest and most pertinent of these is the Grade I Church of St Michael and ancillary listed monuments within its grounds. Although the barns are visible within views eastwards from the edge of the churchyard and in views towards the church from the footpath to the south-east, this experience would not change a great deal given the scheme proposes the sympathetic conversion of the existing structures and does not introduce any new built form to the vistas. The same conclusion can be drawn for the Grade II The Elms, which is found to the east, and similarly there would not be any detriment to the setting of the Scheduled Ancient Monument of Kingsland Castle. The specialist advice from the Council's Conservation Officer has not identified any harm to the significance of the listed buildings and I would concur with that conclusion. It is also noted that no adverse comments have been received from Historic England as a statutory consultee in relation to the setting of the church as SAM. As such, no harm is found to the significance of any listed buildings and there is no tension with the heritage policies of the development plan in this regard.
- 6.29 With some harm to a designated heritage asset in the form of the Conservation Area having been identified, Paragraph 202 of the NPPF requires that this be weighed against the public benefits of the scheme. As above, it is considered that the harm in this case is minor and sits at the lower end of the 'less than substantial' scale. In terms of benefits, it has been identified that the timber framed Barn 1 in particular has historic value and significance to the extent that it is considered a non-designated heritage asset. The nature of the building however is clearly such that it is no longer suitable for use as part of modern agricultural practices, and in light of this functional redundancy the proposal scheme would secure a viable alternative use for the barn which

ensures its longer term preservation. This is a tangible public benefit in favour of the scheme, which also aligns with the aspirations set out at KNDP4 f) and KNDP5 d) to broadly ensure that traditional rural buildings are farmsteads within the parish are preserved. The delivery of additional housing is also a social benefit in favour of the scheme, albeit one that attracts only limited weight given there is not current shortfall in the five year supply. Taken together however, it is my view that the public benefits of the scheme outweigh the limited harm that has been identified to the significance of the Conservation Area. The test prescribed by the NPPF is therefore passed and, consequently, the scheme does not cause any tension with the heritage orientated policies of the plan under LD4, LD1, KNDP5 or KNDP6.

Residential Amenity

- 6.30 Policy SD1 of the CS requires that development proposals safeguard residential amenity for existing and proposed residents. In the context of barn conversions, RA5 also requires that proposals are compatible with neighbouring land uses, including any ongoing agricultural operations. KNDP14 f) also requires that development of new housing should not unduly harm the amenity of any neighbouring property. This accords with the principles set out by the NPPF with regards to securing good standards of amenity for all existing and future occupants of land and buildings.
- 6.31 The absence of any proximal neighbouring dwellings to the barns in this case is such that the scheme would not lead to any detriment to the amenity of existing residents. The design of the scheme also ensures that good standards of amenity are secured for future occupants of the barns themselves and, apart from the typical cultivation of fields, there would not be any ongoing agricultural operations close to the site that have the potential to detrimentally affect living standards. As such, no conflict with policies SD1, RA5 or KNDP14 has been identified.

Sustainable Design and Energy Efficiency

- 6.32 SS7 of the CS also sets the strategic objective for all development proposals to include measures which help mitigate the impact upon climate change. This includes locating development in the most sustainable locations; reducing the need to travel; and designing development to reduce carbon production and promote the efficient use of resources. Policy SD1 also states that development will be supported where it utilises physical sustainability features such as orientation of buildings, water conservation measures; cycle storage and renewable energy generation. Policy KNDP3 of the NDP also seeks to secure similar measures as part of a coordinated design package.
- 6.33 The proposal in this case involves the conversion of existing buildings, some of heritage value, and the limitations in this regard must be recognised in terms of the feasibility of utilising techniques such as building orientation or passive solar gain. The application has completed the Climate Change and Ecology measures checklist introduced following the declaration of these emergencies by the Council in these terms. It sets out that the conversions would be delivered to high standards of energy efficiency with air source heat pumps being used to provide underfloor heating. The drainage scheme also makes use of rainwater harvesting through water butts and rain gardens to improve water quality and biodiversity potential, which is further enhanced by the new planting proposed. On the whole therefore, I am satisfied that the scheme has taken reasonable effort to implement sustainable design practices and I do not identify any conflict with SS7, SD3 or KNDP3.

Sustainability of Location

- 6.34 It is noted that a number of representations received have raised concerns with regards to the sustainability of the site location in terms of access to services. However, it is noted that policies

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

RA5 and RA3 do not contain any locational tests in this regard. They are essentially 'exception' policies that set out limited circumstances where development in the countryside may be justified and it is inherently accepted that these policies may result in dwellings that are relatively divorced from the services and facilities otherwise found in settlements. However, it is not considered that this would be the case here. Whilst the barns are located outside the settlement boundary, they are spatially relatively close to Kingsland and the services it provides. Facilities such as the school, doctor's surgery and public houses could all for instance be accessed through a 10 minute walk on footpaths or pavements across level terrain. As such, it is not considered that it could reasonably be argued that the site is so divorced from services that this alone would render the proposed conversions to be unsustainable.

Highways and Access

- 6.35 In respect of matters pertaining to highways safety Core Strategy policy MT1 is applicable, and this requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. At a local level policy KDNP 8 sets out similar requirements, which includes that developments should ensure there is safe access onto adjacent roads and that adequate on-site parking for residents and visitors is provided within each dwelling or development curtilage and if appropriate. Similarly KND14 requires that development proposals in Kingsland villages should not impair the free flow of traffic or highway safety and shall provide appropriate parking.
- 6.36 The scheme would make use of the existing track and access which emerges onto the B4360 and is shared with the dwelling at Pinsely Farm. The highway in this location is subject to a 30mph speed limit and has a straight geometry which benefits from a wide verge. As such, it offers good levels of visibility with splays in excess of 130m being achievable in both directions. The existing access is therefore adequate to support the proposed development without causing any detriment to the safe and efficient operation of the village highways network. Conditions are recommended to secure the splays, as well as a condition requiring the first section of the access to be laid out to a specification which prevents loose material from the stone track migrating into the main carriageway. Internally, the existing track would be utilised with a number of new passing places provided in order to avoid conflict between opposing vehicle movements. The layout of the site in the vicinity of the barns also makes adequate provision for parking and maneuvering, which includes a dedicated area for larger vehicles (such as the emergency services) to turn if required. The Transportation Manager has not offered any adverse comments in respect of the access arrangements and hence no conflict with the aforementioned policies has been identified.

Ecology and Protected Species

- 6.37 In the context of proposals involving the conversion of rural buildings, policy RA5 of the CS requires that schemes make adequate provision for protected and priority species and associated habitats. Policy LD2 reinforces this in so far as it required that all development proposals should conserve, restore and enhance biodiversity assets, particularly protected species. Policy KNDP4 of the Kingsland NDP also requires that developments contribute towards the ecological network of the area with measures to support the biodiversity value of wildlife sites. These policies reflect the principles established at Chapter 15 of the NPPF.
- 6.38 The application is supported by an Ecological Assessment by Star Ecology. The report finds that Barn A, the traditional timber framed barn, provides good bat roosting potential and evidence of roosting activity within the building was observed as part of the survey. The report advises that the remaining modern buildings do not provide such potential and no evidence of protected species usage was found within these structures. The report recommends that at least two nocturnal surveys should be carried out of the timber framed barn within the optimal seasonal

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

periods prior to any works commencing in order to more accurately understand the usage of the barn and subsequently implement appropriate mitigations measures. The LPA Ecologist is supportive of this approach and has recommended pre-commencement conditions to secure the surveys being undertaken and supplied for approval before any works on site begin. The Applicant has confirmed they are happy for such conditions to be imposed in accordance with the Planning (Pre-commencement Conditions) Regulations 2018. Conditions will also be attached to secure a scheme of biodiversity enhancements, which will also be supplemented by the habitat potential associated with new landscape planting. On this basis, it is considered that the scheme has made adequate provision for protected species and the LPA's duties in this regard are fulfilled. There is no conflict identified with the relevant parts of RA5, LD2 and KND4.

Green Infrastructure and Trees

- 6.39 In respect of trees and green infrastructure, policy LD3 is relevant in so far as it requires that schemes should protect, manage and plan for the preservation and provision of green infrastructure. They should also achieve the objectives of protecting value trees and hedgerows. LD2 is also relevant in so far as it relates to the biodiversity value offered by such assets, whilst LD1 states that development should seek to maintain and extend tree cover where they are important to amenity. From the NDP, policy KNDP4 states that development should retain important natural assets of the parish including landscape features such as trees, woodlands, wide grass verges, orchards and hedgerows unless the need for, and benefits of, the development in that location clearly outweighs the loss or deterioration in irreplaceable habitat. KNDP6 also requires that trees and hedgerows should be an integral part of any new development as essential components of the rural character of Kingsland Village.
- 6.40 The large field enclosures and the mature hedgerows and trees at their boundaries are a defining characteristic of the landscape south of Longford. The existing access track to the site is located alongside one such hedgerow and this is interspersed with a number of oak trees that at subject to Tree Preservation Orders (TPO). The TPO designations are a reflection of their value and the positive contribution they make to the character of the landscape and the Kingsland Conservation Area. The scheme makes use of the existing track and, whilst it is proposed to add a number of passing places, these are positioned in order to avoid development within the protected trees rooting area. Elsewhere within the site, works are proposed to a section of hedgerow to the north of the barns as part of the realignment of the access road however the losses would be minimal and the large deciduous tree to the north of the timber barn would remain. A large conifer found in close proximity to barn two would also be removed, however this is not considered to be of high value and can be adequately compensated for elsewhere. The views of the Council's Arboriculture Officer have been sought and no objections have been offered concerning the potential for impact on existing trees and hedgerows. It is recommended that conditions be attached to any permission to secure protection measures during the construction phase and a scheme of working methods, which are considered to be appropriate with regards to the relevant tests of the NPPG. The Applicant has agreed for these to be secured by way of pre-commencement condition. The scheme has also put forward an outline landscaping strategy, which included substantive new hedgerow, tree and orchard planting. In the longer term, this will ensure any loss of green infrastructure is adequately mitigated for an subsequently enhanced. Again, full details of the scheme will be secured by condition. Subject to this, no conflict with LD1, LD2, LD3, KNDP4 or KNDP6 is identified.

Foul and Surface Water Management

- 6.41 In relation to foul water management, policy SD4 sets out a hierarchal approach whereby a connection to the mains sewer is the preferred option of management. Where this is not possible, private alternatives should be provided with the order of preference being package treatment plants with discharge to a soakaways, septic tanks, and (in exceptional circumstances) cess pits. In all circumstances, proposals will need to demonstrate that the development would have no

likely significant unmitigated adverse effect on water quality and the River Wye Special Area of Conservation (SAC). This requirement is reinforced by policy LD2 and the Council has a statutory duty to consider the impact of development upon the River Wye SAC under the Conservation of Habitats and Species Regulations. Policies KNDP9 of the Kingsland NDP reflects these requirements.

- 6.42 The separation of the site from the main village of Kingsland is such that it does not benefit from a proximal mains sewer. It is therefore proposed to manage foul water through the use of individual package treatment plants within the curtilage of each unit. This accords with the hierarchical approach endorsed by SD4. Extensive testing of ground conditions has been undertaken at the site and this has shown the land to not be suitable for the use of conventional below ground soakaway features, however good infiltration rates have been observed in shallower surface soils. It is therefore proposed to manage outfall from the treatment plants through discharge to a raised drainage mound feature to the east of the site. The mound would be constructed of filter gravel and sand, with treated effluent being pumped to spreaders at the top of the mound to dissipate through the various layers to the natural soils below. Visually, the feature would appear as a grassed knoll that rises to approximately 1.3m above the natural ground level. The Council's Land Drainage Engineer has collaborated with the Applicant's consultant to design the feature and subsequently has confirmed that it represents a suitable arrangement for the management of foul water which ensures there would be no detriment to the local environment. Implementation of the scheme will be secured by condition. On this basis, it is considered the scheme accords with policies SD4, LD2 and KNDP9.
- 6.43 In respect of surface water, policy SD3 of the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk and avoid an adverse impact upon water quantity. From the NDP, policy KNDP7 sets out that environmentally sensitive measures to reduce the effect of flooding and surface water runoff will be actively promoted. It also states that where the management of surface water drainage needs to be addressed, developers should utilise sustainable drainage systems (SUDs) where this is practicable, including measures to support biodiversity.
- 6.44 Again, extensive infiltration tests have been undertaken at the site in accordance with BRE365 methodology and these have shown varying results across the site. The land to the north east of the site however has been observed to be suitable to support a shallow infiltration basin that will be used to manage surface water runoff from the buildings. The rainwater management system will also include rainwater harvesting through a series of water butts, with the infiltration basins also being delivered as 'rain gardens' to provide secondary treatment and enhance biodiversity value. Permeable surfaces will be used for the access, manoeuvring and parking areas. The Council's Land Drainage Engineer has confirmed that the proposed arrangements are acceptable and it is noted that, bearing in mind that the barns are existing features with extensive areas of hardstanding around them, the implementation of the drainage scheme will achieve a net reduction in runoff rates relative to the current situation. Implementation of the scheme will be secured by condition and, on this basis, no conflict with SD3 or KNDP9 is found.

Flood Risk

- 6.45 It is noted that a number of representations refer to the risk of flooding on account of the location proximal to Pinsley Brook, however the site is identified by the Environment Agency mapping to be in the low risk Flood Zone 1 (>0.1% annual chance). The site is also not identified to be at risk from surface water flooding, and the Council's Land Drainage Engineer has not offered any adverse comments in terms of flood risk. The location of the site is hence suitable one for residential use in terms of flooding and there is no conflict found with SD3 or KNDP7.

Habitats Regulations Assessment

- 6.46 With respect of the Council's duties under the Conservation of Habitats and Species Regulations, the site here lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). Members will no doubt be aware however that the River Lugg is currently failing its conservation targets for phosphate levels. Following a 2018 judgement in the Court of Justice of the European Union on the interpretation of the Habitats Directive ('The Dutch Case'), it has been clarified that where a site is failing its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects. In essence, this means that the Council is currently unable to positively assess applications in the Lugg catchment unless it can be shown with certainty that they would have a neutral impact upon the integrity of the designated site.
- 6.47 The proposal in this case would lead to the generation of additional phosphates contained in foul water created as a consequence of residential occupation. Although this would be managed through a package treatment plant, treatment methods are not effective at fully removing phosphate and hence the outfall from the plant will still contain residual nutrients in this sense. The discharge of this to the local environment is such that there is a potential pathway for the development to have a 'likely significant effect' on the integrity of the designated site which requires appropriate assessment in accordance with Section 63 of Habitats Regulations.
- 6.48 For the purpose of determining planning applications, the LPA is the competent authority in the application of the Habitats Regulations. In response to the failing status of the River Lugg, it has published a number of position statements setting out the approach to be taken towards proposed development within this catchment which is informed by the advice of Natural England as the relevant statutory body. As above, the broad thrust of the advice is that development can only be permitted where it can be shown with certainty to have a neutral effect upon the integrity of the designated site:
- <https://www.herefordshire.gov.uk/downloads/file/22149/position-statement-update-april-2021>
- 6.49 With regards to proposals that utilise package treatment plants with discharge to drainage fields within the Lugg catchment area, the guidance sets out that these would have a low risk of phosphorus having any effect on the designated site provided certain criteria are met. These criteria apply in the case of small discharges (less than 2m³/day) and are as follows:
- a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) and;
 - b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, and;
 - c) The drainage field is in an area with a slope no greater than 15%, and;
 - d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
 - e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3m and;
 - f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc and;
 - g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground.
- 6.50 The scheme in this case has sought to provide a foul water management system which complies with the criteria above. The proposal for two dwellings means the development would generate foul water discharges below the 2m³/day threshold and the management system has been

designed specifically to avoid conflict with any of the relevant requirements. The Land Drainage Engineer has advised that they consider the scheme to be acceptable from a technical standpoint and that in their professional opinion it would meet all of the criteria. The Council's Ecologist is however ultimately responsible for assessing the proposal with regards to the Habitats Regulations and he has completed an Appropriate Assessment as required by Section 63 of the regulations. The assessment has regard to the information and evidence supplied by the Applicant, as well as GIS data supplied to the Council by Natural England. The assessment concludes that the scheme as presented would comply with the relevant criteria and hence there would be no pathway for foul water generated by the development to have an adverse impact on the integrity of the River Lugg and River Wye SAC. Likewise, the surface water management arrangements are appropriate to ensure there is no pathway for impact by this means either.

- 6.51 This assessment has been subject to consultation with Natural England and their response (Section 4.1 of this report) confirms that they agree with the Council's conclusion that the development would have no adverse impact on the integrity of the River Lugg or River Wye SAC, subject to conditions being imposed to secure the drainage arrangement in perpetuity. The scheme is hence considered to safeguard water quality and designated conservation sites and there is no conflict with development plan policies LD2 and SD4, or the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended).

Planning Balance and Conclusions

- 6.52 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. The Framework sets out that the achievement of sustainable development is dependent on three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 6.53 The ability to demonstrate a five year housing land supply is such that the policies of the development plan can be afforded weight for decision making. The site in this case is located outside of an identified settlement where new residential development is ordinarily supported by the spatial strategy of the plan, however the preceding appraisal has established that the scheme would entail the sustainable reuse of a pair of redundant agricultural buildings in a manner which accords with the provisions set out at policy RA5 of the Core Strategy. The principle of the development in this location can therefore be supported, as it meets one of the circumstances under which new homes in the countryside are acceptable in accordance with policy RA3, KNDP2 d) and Paragraph 80 of the NPPF.
- 6.54 With regards to the details of the scheme, it is noted in the first instance that some very minor less than substantial harm to the significance of the Kingsland Conservation has been identified. However, the balancing exercise required by Paragraph 202 of the NPPF has been undertaken and it is considered that the public benefits of the scheme, which accrue as a result of the scheme securing a viable new use to secure the preservation of Barn A as non-designated heritage asset and general contribution to housing supply, would demonstrably outweigh the minor harm that would occur. As such, it is considered that the LPA's heritage duties are fulfilled and there is no conflict identified with policies LD4, LD1, KNDP5 and KNDP6 of the development plan.
- 6.55 The wider details of the scheme do not give to any other material harms or conflicts with the policies of the development plan. The application represents a proposal for the sustainable reuse of redundant rural buildings and the scheme has been articulated in a sensitive manner which avoids detriment to local character, heritage assets, amenity and features of environmental value – thus ensuring compliance with policies RA3, RA5, LD1, LD4 and SD1 of the Core Strategy, policies KNDP2, KNDP3, KNDP4, KNDP5 and KNDP6 of the Kingsland NDP. No objections have been received from any technical or consultees that suggest refusal would be justified.

- 6.56 Overall therefore, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development. The scheme benefits from the positive presumption and it is recommended that permission be granted, subject to the conditions set out below.

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:

That planning permission be granted subject to the following conditions:

1. C01 - Time limit for commencement (full permission)
2. C06 - Development in accordance with approved plans

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA3, RA5, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies KNDP2, KNDP3, KNDP4, KNDP5 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

3. No site clearance, demolition or construction works associated with this development shall commence until further appropriate Optimal Period bat surveys have been carried out and a complete report, including fully detailed revised plans and details of mitigation measures and compensation features required and details required to obtain any relevant European Protected Species Licence (Bats) have been submitted to the local planning authority for written approval. The approved scheme, with approved protected species licence if required, shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning authority and Natural England as regards the European Protected Species Licence. No external lighting shall illuminate any ecological feature within the immediate or wider site or any adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

Reason: To ensure that all protected species are considered and habitats enhanced 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') (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, policy KNDP4 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework, National Planning Policy Framework (2019) and NERC Act 2006.

4. The development hereby permitted shall not commence until a tree works method statement and tree protection plan in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed method statement and the approved protection measures shall be implemented in full prior to the commencement of works on the site. Thereafter they shall be maintained for the duration of the construction phase, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard all retained and protected trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies KNDP3, KNDP4 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

Conditions Requiring Discharge

5. With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:
- a) Details and/or samples of wall cladding (including colour and finishes informed by Environmental Colour Assessment)
 - b) Details and/or samples of roof materials (including colour and finishes)
 - c) Details and or samples of rainwater goods ((including colour and finishes)
 - d) Details of all windows, doors and roof lights (to include measured drawings though the frames and any glazing bars at 1:2 or 1:5 scale).
 - e) Details of any new flues or means of ventilation

The work shall subsequently be carried out in full accordance with such approved details.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA3, RA5, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies KNDP1, KNDP3, KNDP4, KNDP5 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of either of the dwellings hereby approved, a construction specification for the access track, passing places and internal manoeuvring spaces shall be supplied to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with the approved details prior to the occupation of the dwellings.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policies KNDP8 and KNDP14 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

7. Prior to the first occupation of the dwellings hereby approved, the vehicular access onto the B4360 shall be upgraded to a construction specification which has first been agreed to in writing by the Local Planning Authority and 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, policies KNDP8 and KNDP14 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan with the scale, nature and location of the provision of fixed habitat features - including as a minimum provision for additional bat roosting, bird nesting, hedgehogs and pollinating insect homes shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority. No external lighting should illuminate any biodiversity net gain enhancement feature.

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, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations') (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, policy KNDP4 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework, National Planning Policy Framework (2019) and NERC Act 2006.

9. Prior to first occupation of any property approved under this permission the legally binding details of how all the shared aspects of the surface water and foul drainage schemes will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

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

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

11. With the exception of site clearance and groundworks, no further development shall commence until a revised landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:
- a) All trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
 - b) Trees and hedgerow to be removed.
 - c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
 - d) All 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, policies KNDP4 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

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

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies KNDP4 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

General Compliance Conditions

13. 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 H of Part 1 Schedule 2; of Class A Part 2 Schedule 2; or Class A of Part 14 Schedule 2 shall be carried out.

Reason - To ensure the character of the original conversion scheme is maintained in the interests of preserving the character of the landscape and Kingsland Conservation Area as required by policies RA5, LD4, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, policies KNDP4 and KNDP5 and KNDP6 of the of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

14. Neither of the dwellings shall be occupied until the scheme of works for the management of foul and surface water have been completed in accordance with the details set out on approved plan 2439-500-RevE (and supporting specifications). Thereafter these arrangements shall be maintained in perpetuity.

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

15. 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 160 metres to the south east and 133 metres to the north west along the nearside edge of the adjoining carriageway in accordance with the details set out on supplied plan 2439-550 Rev A. 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, policies KNDP8 and KNDP14 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

16. All foul water shall discharge through connection to new dwelling specific private foul water treatment systems (Package Treatment Plants) discharging to a shared mound type drainage field located on land under the applicant's control as detailed in the supplied Surface and Foul Water Drainage Strategy by Spring Design dated 8th September 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

17. All surface water shall be managed through a Sustainable Drainage Scheme as detailed in the supplied Surface and Foul Water Drainage Strategy by Spring Design dated September 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

18. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation

of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies KNDP3, KNDP4 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

19. All planting, seeding or turf laying in the landscaping scheme approved pursuant to Condition 11 shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 10 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, policies KNDP3, KNDP4 and KNDP6 of the Kingsland Neighbourhood Development Plan and the National Planning Policy Framework.

Informatives:

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

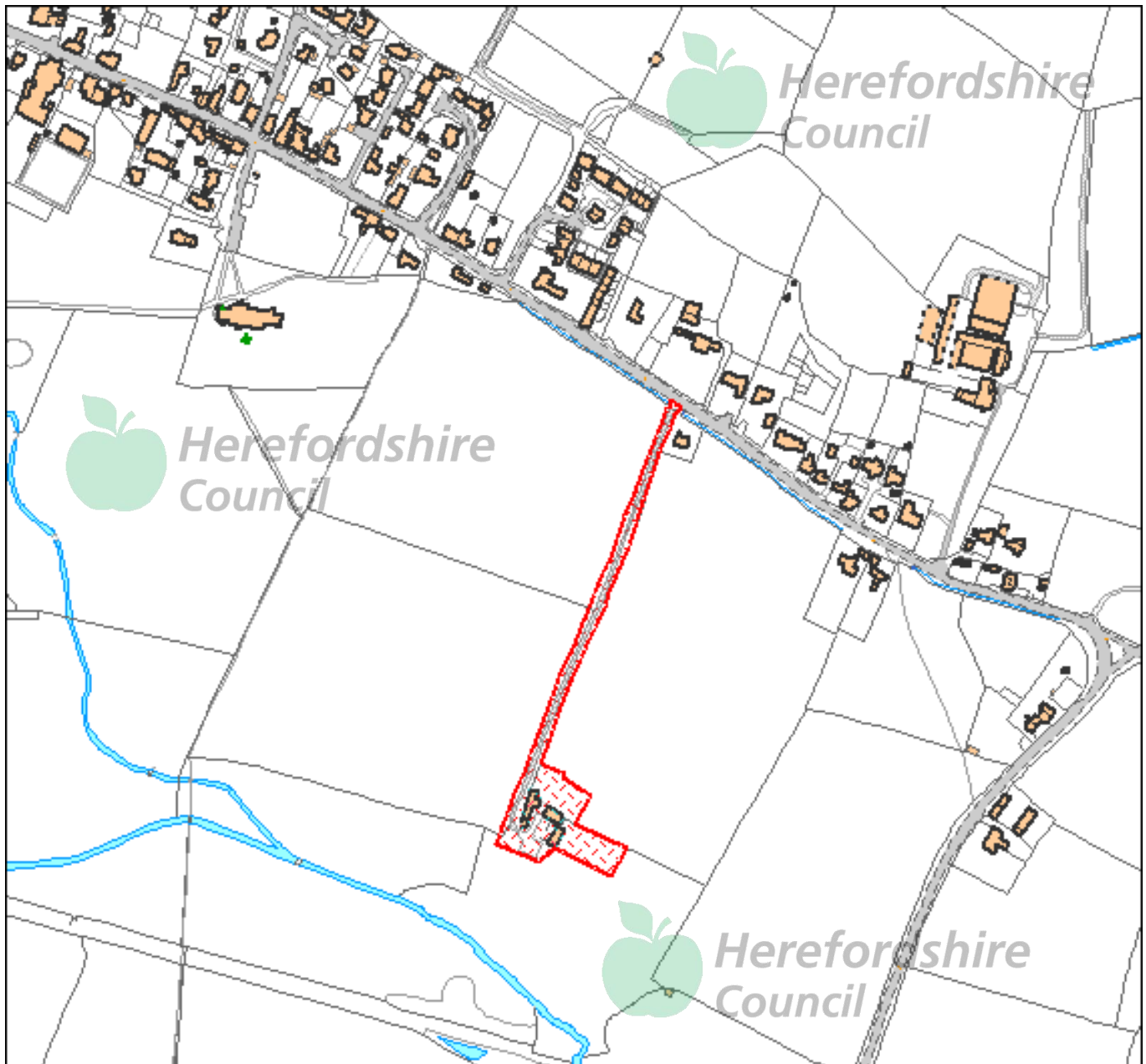
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 200995

SITE ADDRESS : BARNs AT KINGSLAND, SOUTH OF LONGFORD, LEOMINSTER, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789