

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29 June 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>220366 - PROPOSED VARIATION OF CONDITION 2 AND 4 FOLLOWING GRANT OF PLANNING PERMISSION. 183083/F (CHANGE OF USE OF AGRICULTURAL BUILDINGS AND LAND TO RESIDENTIAL DEVELOPMENT (USE CLASS C3). INCLUDING DEMOLITION, CONVERSION AND EXTENSIONS OF AGRICULTURAL BUILDINGS TO FORM 3 NO. DWELLINGS) AT MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF</b></p> <p><b>For: Mr Kirk per Mr Jethro Kirk, The Cart House, Canon Bridge Madley, Hereford, Herefordshire HR2 9JF</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220366&amp;search-term=220366">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220366&amp;search-term=220366</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 4 February 2022**

**Ward: Stoney Street**

**Grid Ref: 343156,241198**

**Expiry Date: 1 April 2022**

Local Member: Cllr David Hitchiner

## **1. Site Description and Proposal**

- 1.1 Magnolia Farm is located to the North of the village of Madley (approximately 1.9 miles away) and to the South-West of the River Wye, although noted on significantly higher ground level.
- 1.2 The application seeks a variation of condition 2 and 4 following grant of full planning permission (P183083/F) (Change of use of agricultural buildings and land to residential development. Including the demolition, conversion and extensions of agricultural buildings to form 3 no dwellings.
- 1.3 The variation includes changes to the window and doors to unit 1 and 2 and the extension of unit 2 within the existing footprint of a roofed open sided steel structure. Work has started on site namely in relation to the clearing of the site and works predominately to units 1 and 2. Unit 3 currently not altered and is being used for storage purposes only as the other works progress.



1.4

Proposed Plans Unit 1



1.5

Proposed Elevation Unit 2

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244



1.6

Proposed Floor Plan Unit 2



1.7

Previously approved plans

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

- SS1** - Presumption in Favour of Sustainable Development
- SS2** - Delivering New Homes
- SS3** - Releasing Land for Residential Development
- SS4** - Movement and Transportation
- SS6** - Addressing Climate Change
- RA2** - Housing in Settlements Outside of the 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
- SD3** - Sustainable Water Management and Water Resources
- SD4** - Wastewater Treatment and River Water Quality

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 2.3 Madley Neighbourhood Development Plan

Madley Neighbourhood Development plan was made on 7 June 2021 therefore it now forms part of the development plan for Herefordshire and carries full weight.

- Policy M1** – Sustainable Development
- Policy MH1** – Housing delivery
- Policy MH4** – Type and Size of Housing
- Policy ME1** – Landscape character and wildlife
- Policy ME2** – Building design
- Policy ME3** – Historic Environment
- Policy MB3** – Re-use of redundant agricultural buildings

### 2.4 National Planning Policy Framework (NPPF)

- Chapter 2** – Achieving Sustainable Development
- Chapter 4** – Decision Making
- Chapter 5** – Delivering a Sufficient Supply of Homes
- Chapter 9** – Promoting Sustainable Transport
- Chapter 12** – Achieving Well-Designed Places
- Chapter 15** – Conserving and Enhancing the Natural Environment
- Chapter 16** – Conserving and Enhancing the Historic Environment

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review

the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

### **3. Planning History**

3.1 183083/F - Change of use of agricultural buildings and land to residential development (Use Class C3). Including demolition, conversion and extensions of agricultural buildings to form 3 No. dwellings. – Approved with conditions

153633/CD3 (on land across Magnolia Farm Road to the south east of the site) – Proposed change of use of traditional agricultural buildings to five dwelling houses, associated works and new vehicle entrance. Approved

SW101189/CD – Replacement barn. Council approved application

SH961400PF – Erection of a steel portal frame extension to existing farm building for general purpose agricultural use. Approved

### **4. Consultation Summary**

4.1 Statutory Consultations

Welsh Water (Hyder) – No Objection

Hereford and Worcester Garden Trust – No response

4.2 Internal Council Consultations (Initial comments)

Landscape – ‘From what I can ascertain, condition 4, is in relation to external finishes (i.e. joinery, timber, plaster and masonry surfaces); minor changes to window and door fenestrations, solar panels to roof; and other minor changes to the garden curtilage (unit 1 and 2).

In terms of landscape related matters I have compared Dwg 339.21LD01, with the revised scheme, Dwg 339.21LD01, Rev A. The changes have no adverse impact. I have no objection.’

Ecology – No response

Highways Engineer - There are no highways objections to the proposed plan variations.

4.3 Internal Council Consultation (Following amended plans)

Landscape – ‘I have no further comments.’

Highways Engineer – ‘The updated drawings do not alter the previous highways comments on the proposed plan variation.’

## 5. Representations

- 5.1 Madley Parish Council March 22 – ‘Following last night’s Parish Council meeting the councillors have asked me to respond on the above application in support with no comments to make.’

Madley Parish Council following amendments – ‘The Parish Council discussed the planning application and have no grounds not to support the application. The Parish Council have noted the residents’ concerns and understand a request for a meeting between the residents and the planning department has been requested, The Parish Council urge this meeting to take place to ensure lines of communication remain open between all parties.’

- 5.2 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=220366&search-term=magnolia%20farm](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220366&search-term=magnolia%20farm)

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

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

## 6. Officer’s Appraisal

### *Policy context and Principle of Development*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Madley Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 7 June 2021.
- 6.3 Given the nature of this application the principle of the development has clearly been established through the granting of the previous permission therefore it is not necessary to re-assess this. Rather it is the alteration between the two schemes which need to be assessed here. The application seeks to vary condition 2 and condition 4, which incorporates changes to the windows and doors with the addition of solar panels in units 1 & 2 and an extension to unit 2.
- 6.4 Given the nature of the proposal policies SD1, LD1 and SS6 of the CS are relevant. I am satisfied that the amended alterations to the buildings does not change the overall nature of the approved scheme.
- 6.5 The changes involve amendments to some window and door positions, these are due to an internal reconfiguratation of the previously approved scheme. These changes are clearly shown in the amended plans submitted with this application and shown in comparison to the previous scheme as shown above in section 1 of this report.
- 6.6 Policy SS7 states that development proposals will be required to include measures which will mitigate their impact on climate change. The utilisation of Solar panels on the the roof would not change the overall nature of the approved scheme. The alterations are considered to be an acceptable scale and would not impact upon the character of the wider area, or provided an adverse impact upon residential amenity of adjacent dwellings. Furthermore they will provide a renewable form of energy for these two units, a relevant condition is attached to ensure that in the event that the panels become disused for a period of more than 6 months those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility

- 6.7 With reference to the extension to Unit 2 this was discussed under previous pre application advice to which the conversion of this element into habitable accommodation for unit 2 was considered supportable in the context of the whole proposal and noting the visual benefits that would derive from its retention. The enclosed method and fenestration will be reflective of the wider scheme and historic character of the group of buildings. The Historic Buildings Officer gave comments in relation to the pre app and advised of the design approach that would be acceptable from a heritage perspective. This has been fully incorporated into the design approach submitted with this application.
- 6.8 It is noted that no response from the ecologist has been received however as the scheme would not amend the foul and surface water management as approved under the previous scheme, as such there are no drainage concerns or the need to re-visit this element.

## **RECOMMENDATION**

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

- 1. The development shall be carried out strictly in accordance with the approved plans (drawing nos. 113765-001B, 11375-013B, 113765-14B and 113765-015C), except where otherwise stipulated by conditions attached to this permission.**

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

- 2. The samples of materials to be used externally on walls and roofs that were submitted to the LPA on \*\* shall be carried out in accordance with the approved details submitted and discharged by the LPA on \*\* under reference no 212020.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3. Before work commences on the features identified in this condition, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

- 4. Before work commences in relation to their installation, details of the guttering, down pipes and all associated fittings shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority.**

**Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

5. **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, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**

**Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

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

7. **Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.**

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

8. **The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

9. **Parking for site operatives and visitors shall be retained as discharged under reference no 212020/XA2 and kept available during the remaining construction of the development.**

**Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**



10. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details discharged under reference no 212020/XA2 and available for use prior to the occupation of any of the dwellinghouses hereby permitted. Thereafter these facilities shall be maintained.

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

11. The approved CEMP discharged under reference no 212020/XA2 shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2.

12. All surface water from the dwellings approved under this decision notice will be managed through a Sustainable Drainage Scheme on land under the applicant's control as stated in the planning application form and drainage report by HYDROGEO dated July 2018, and this scheme shall be maintained hereafter as approved, unless otherwise agreed in writing by the Local Planning Authority. In compliance with Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

13. All foul water from the dwellings approved under this decision notice shall discharge through individual Package Treatment Plants with soakaway drainage fields located in the garden of each dwelling as stated in the planning application form and drainage report by HYDROGEO dated July 2018; unless otherwise agreed in writing by the Local Planning Authority. In compliance with General Binding Rules and the Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018), General Binding Rules, and Herefordshire Council Core Strategy (2015) policies LD2, retained Biodiversity SPG and SD4.

14. At no time shall any external lighting illuminate the gardens or area between the dwellings approved under this decision notice and the River Wye SAC (SSSI) without the prior written approval of this local planning authority. This is to ensure there is no detrimental impact on bat, nocturnal bird and small mammal commuting and foraging in the locality and to help ensure the security of local 'Dark Skies'.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the

15. The soft and hard landscaping details submitted and discharged under 212020/XA2 should be carried out as per these details.

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

16. The soft landscaping scheme approved under condition 15 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

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

17. Within six months of any of the solar photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

**INFORMATIVES:**

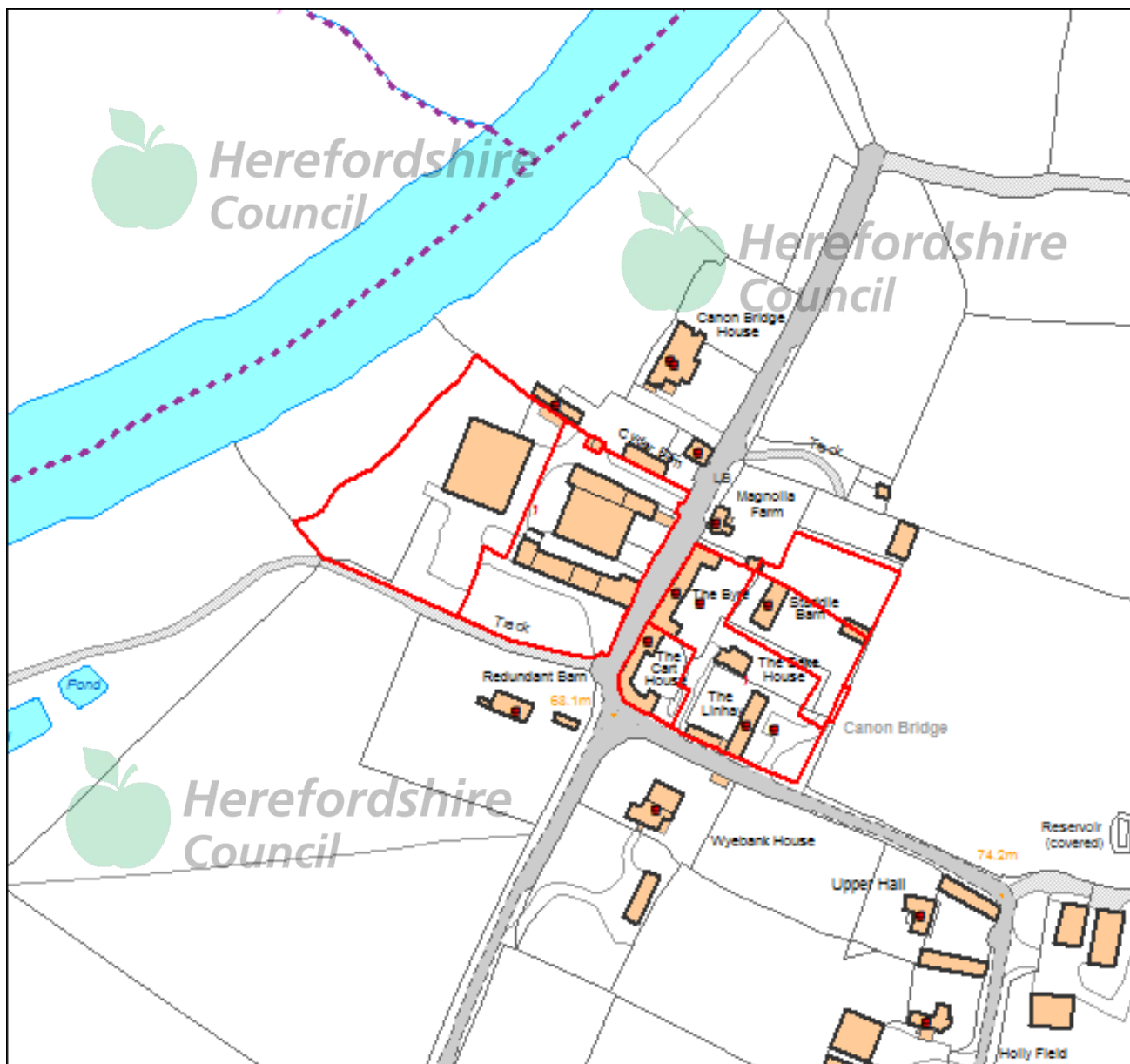
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments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

Decision: .....

Notes: .....

Background Papers

None.



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**APPLICATION NO:** 220366

**SITE ADDRESS :** MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

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