

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 180190

White Swan, Eardisland, Leominster, HR6 9BD

**CASE OFFICER:** Mr Andrew Prior  
**DATE OF SITE VISIT:** .....April 2018

**Relevant Development Plan Policies:** Herefordshire Local Plan-Core Strategy : SD1, SD3, SD4, SS4, SS5, SS6, SS7, LD1, LD4, E4, RA6

Eardisland Neighbourhood Development Plan adopted 6 October 2016 policies E1, E2, E3, E5,E8 (White Swan business supported) E15, E17.

#### National Planning Policy Framework (NPPF)

- Paragraph 28- Protecting the rural environment;
- Paragraph 56- Requiring good design;
- Conserving and enhancing the natural environment
- Conserving and enhancing the Historic Environment

**Flood Risk and Coastal Change.**

**Relevant Site History:** DCH840102/F – New kitchen - Approved

#### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	Y Y		Y	Y	
Transportation	Y	Y			
Historic Buildings Officer	Y	Y			
Welsh Water	Y				
Site Notice	Y		Y(1)	Y(1)	
Local Member	Y				

## **PLANNING OFFICER'S APPRAISAL:**

### Site description and proposal:

The site is the White Swan Public House, a grade II listed property in roughly the middle of Eardisland just after a slight bend in the road. This lies in a conservation area with Knapp House to the immediate west of the proposal beyond a high evergreen hedge. There is a high close boarded fence to the public houses rear (south) elevation beyond which lies a single storey dwelling (Bardufoss) with The Nook, The Nutmeg, The Noggin and The Niche in close proximity.

The proposal is for bed and breakfast accommodation.

The proposal was as originally submitted for a rectilinear building 14.7 metres long, 6.6 metres deep and 6.7 metres to the ridge of the slate covered roof. The sides comprised horizontal timber cladding. The accommodation was on the ground floor i.e 4no. single bed units and 2 additional ones within the roof space. It is sited parallel and one metre from the boundary fence adjoining Bardufoss.

This scheme was revised such that the length of the building was reduced from 14.7 metres to 13.4 metres, the depth of 6.6 metres remaining unaltered and the ridge height dropping to 5.6 i.e by 1.1 metres. This came about as a result of negotiations with the case officer following receipt of representations from adjoining residents requesting a re-siting and reduction in scale. It is sited 13 metres to the north of the proposed accommodation building.

It is also proposed to erect an open sided bin store 4.5 x 1.6 metres deep and between 2.4 and 1.8 metres tall for the mono-pitch roofed

The site and public house are in Flood Zone 1. The highway to the north and adjoining property to the west are within Flood Zones 2 and 3. The Design and Access Statement provides details of NDP plan policies and references the need for rain-water harvesting, which is addressed in the proposal.

### Representations:

Parish Council supports principle subject to further details – drainage

Parish Council further states no objections to revised plan

Traffic Manager has not responded

HBO has not responded

Welsh Water has not responded

One letter of representation from a local resident has been received. In summary the points raised are as follows:

- Understand the need for financial viability
- Please re-site or turn at 90 degrees
- Understand that the proposal complies with NDP
- Details for storm water should be submitted
- Assume south facing windows will be obscure glazed ?

One letter of support has also been received. In summary it acknowledges the need for bed and breakfast accommodation in village.

Ward Member has raised no objections to determination of application as stated .

Pre-application discussion:

None

Constraints:

Grade II listed building

Conservation Area

Flood Zones 2 & 3

Appraisal:

Having regard to the Development Plan (in this case the Herefordshire Local Plan – Core Strategy and Eardisland NDP) and material considerations, including third party representations, it is my opinion that the main issues relative to the determination of this application are:-

- Assessment of the principle of providing facilities for holiday-makers;
- The impact on the setting of the Conservation Area
- The impact on the setting of a listed building
- The impact on residential amenity
- Flood risk
- Assessment of additional traffic generated by this development.

Taking these main issues into account, I am of the view that the main policies relevant to the determination of the application are policies SD1, SS1, SS6, SS7, RA6, LD1, LD2 and LD4 of the Herefordshire Local Plan-Core Strategy (Core Strategy) together with policies E1, E2, E5, E8, E15 and E17 in the made NDP.

Principle of development

Paragraph 28 of the National Planning Policy Framework (the NPPF) provides the basis for the Government's approach to diversification of the rural economy. It relates to economic growth in rural areas and advocates a positive approach to new development that is

sustainable. It makes specific reference to rural tourism advising that local and neighbourhood plans should:

*Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.*

Policy E4 of the Core Strategy refers specifically to tourism related development. It advises that Herefordshire will be promoted for sustainable tourism by utilising its unique environmental and heritage assets. It then goes on to list five measures that will be used to support the tourist industry. Of these, three are of particular relevance to this application and read as follows:

Policy E4 Tourism:-

Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including:

*the development of sustainable tourism opportunities, capitalising on assets such as the county's landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;*

*retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels will be encouraged. Applicants will be encouraged to provide a 'Hotel Needs Assessment' for any applications for new hotels;*

*ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity.*

Policy RA6 also reflects the Council's positive approach towards sustainable tourism, but with specific reference to the rural economy. They also reflect the NPPF's positive approach towards sustainable development. The matters described above do not preclude the type of development proposed and therefore the principle is accepted. The matter therefore to be resolved is whether the scheme represents *sustainable* development as defined by the NPPF – namely that it meets the social, economic and environmental dimensions of the definition.

Policy E17 of NDP- *Supporting Tourism and Local Business Development* encourages appropriate quality development in the parish..

The social and economic effects will also be considered and the planning balance applied in coming to a conclusion as to whether the scheme is representative of the type of sustainable tourism that the Development Plan acts to promote.

### Locational factors

The proposal is for additional tourist accommodation at the White Swan, a centrally located community asset in a village with a range of tourist facilities. It is also a location where tourist accommodation has previously been permitted; albeit through the conversion of redundant buildings.

This proposal site provides opportunities for visitors to walk into the village, use bus-services as well as travelling other means to a range of facilities. It is a sustainable location that accords with the provisions of Paragraph 28 in the NPPF, as it benefits the locality and respects the character of the locality.

### Impact on Heritage Assets

Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

With particular regard to Conservation Areas, Section 72 of the Act goes on to say:

*“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*

Appeal decisions have subsequently informed the precise meaning of “preserving” in that it means doing no harm.

It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

Other appeal decisions (particularly the Barnwell Manor Court of Appeal decision) confirm that a finding of harm to the setting of a listed building or a conservation area give rise to a strong presumption against planning permission being granted. On the basis of S66, the

presumption is a statutory one, even if the harm caused is deemed to be 'less than substantial'.

The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; '...in a manner appropriate to their significance.' Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; 'The more important the asset, the greater the weight should be.'

It is also clear that significance can be harmed or lost through alteration or destruction of a heritage asset, and that proposals that require this should be fully justified and wholly exceptional.

Paragraph 133 is clear that;

*'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'*

Paragraph 134 has been confirmed through case law to be a restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. The same case law confirms that the second limb; the public benefits, should go first, and that the test is effectively different to paragraph 133 – the identification of harm does not immediately direct one to refuse planning permission.

In this case the recognised heritage assets that are potentially affected by the proposal are the grade II listed White Swan and the Conservation Area.

The proposal site is wholly within the Conservation Area and contributes to the setting of the grade II listed building. It is not considered that the development of the site; given the context of buildings, car-parking area and boundary fencing ameliorates the impact of the single-storey building. Whilst, the site is elevated in relation to the public house it is sufficient distance away from the heritage asset not to adversely impinge upon the setting of the public house.

The development will have an impact on the significance of the identified heritage assets but this is considered to be less than substantial. In accordance with paragraph 134 of the NPPF the harm should be considered against the public benefits of enhancing the viability of a community asset for the benefit of the village as required by policies E4 and RA6 of Core Strategy.

In terms of the setting of the Conservation Area, it is considered given the scale and siting of the development that the impact upon its significance is less than substantial and therefore this harm should be weighed against the public benefits, as set out above, of the proposal, as prescribed by paragraph 134 in the NPPF.

In conclusion, I am of the view that the proposal accords with the provisions of policies LD4 and SD1 of Core Strategy, policy E2 of the NDP together with the provisions of Chapter 12 of the NPPF and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Impacts on Amenity

The development will result in some associated noise and disturbance to an adjoining property, the building is though sited on a car-parking area and therefore, on balance with the reduction in height provided during the determination of this application and the existing noise and disturbance associated with an established community asset, this proposal can be supported. The 5.5 metres high slate roof covered building will also provide a buffer for residents to the south of the site.

It is not considered on balance that the additional comings and goings including the reflection Therefore, the proposal will in this respect accord with the provisions of policies RA6 and SD1 of the Core Strategy and policy E1 in the NDP.

### Flood Risk

The proposal site is elevated in the village as is the public house and car-park in relation to the highway, which is within Flood Zone 3. It is considered that given the scale of development and the fact that surface water flows northwards to the highway C1095, it is considered that subject to surface water collection measures the proposal will not exacerbate flood risk elsewhere at times of flooding and that appropriate measures can be secured. Therefore, the proposal accords with the provisions of Policy SS7 of Core Strategy, policies E1 and E5 of NDP and paragraphs 103 and 104 of the NPPF

### Highway Safety

It is considered that the road network has the capacity to take the additional traffic generated by this proposal. It is considered that the traffic generated by 4 one bedroom units off an existing public houses car-park is acceptable given the visibility available in both directions and the established current use of this community asset.

The proposal is of a modest scale and will not give rise to such significant increases in traffic movements to create severe cumulative impacts given the existing usage and speed of

traffic. Therefore, the proposal accords with the provisions of Policy MT1 in the Core Strategy and paragraph 32 of the NPPF.

### Planning Balance and Conclusion

The principle of development is considered to be acceptable. The proposal is a well considered site providing bed and breakfast accommodation in a satisfactory form as viewed against the listed White Swan and amenity of this part of the Conservation Area. The holiday accommodation is also in a sustainable location such that future users could access a range of facilities by a choice of modes of transport.

Eardisland is a settlement affected by flood risk, however this elevated site lies wholly outside of either flood zones 2 and 3 and will not be considered exacerbate flood risk subject to surface water collection measures,

Whilst local residents concerns are fully acknowledged and have been carefully considered, the proposed development complies with the requirements of policies of the Core Strategy and the NDP in relation to tourism development affecting heritage assets and with the guidance contained within the National Planning Policy Framework.

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

### **CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**

*(please note any variations to standard conditions)*

1. C01
2. C06 (location plan, drawing nos 1571.1E, 1571.1F (lighting plan), 1571.2B, 1571.4 and specifications for materials received 21.5.2018)
3. The accommodation shall;

(i) be occupied for holiday purposes only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification

(ii) shall not be occupied as a person's sole, or main place of residence; and (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the pods on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason C81 - ....Policy SD1

4. C64 accommodation
5. C68 the accommodation
6. CBO



7. The bin shelter detailed in drawing no.1571.4 shall be erected before first occupation of any of the guest accommodation and made available for use in perpetuity for the storage of waste generated by the new development.  
Reason : CCO
8. CBK

## Informatives

### IP2



Signed: ..... Dated: 19 July 2018

#### TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐



Signed: ..... Dated: 23 July 2018