

Agenda

Planning and regulatory committee

Date: **Wednesday 28 April 2021**

Time: **10.00 am**

Place: **Online meeting**

www.youtube.com/HerefordshireCouncil

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson Councillor John Hardwick
Vice-Chairperson Councillor Alan Seldon

Councillor Graham Andrews
Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan
Councillor Elizabeth Foxton
Councillor Terry James
Councillor Tony Johnson
Councillor Graham Jones
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor William Wilding

Agenda

	Pages
<p>1. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>3. DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
<p>4. MINUTES To approve and sign the minutes of the meeting held on 7 April 2021.</p>	13 - 22
<p>5. CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.</p>	
<p>6. 202567 - LAND WEST OF ORCOP VILLAGE HALL, ORCOP, HEREFORDSHIRE Outline permission for the erection of 1 no. dwelling.</p>	23 - 40
<p>7. 202050 - LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HR9 6BJ Proposed detached dwelling.</p>	41 - 62
<p>8. DATE OF NEXT MEETING Date of next site inspection – 18 May 2021 Date of next meeting – 19 May 2021</p>	

The Public's Rights to Information and Attendance at Meetings

Herefordshire Council is currently conducting its public committees, including the Planning and Regulatory Committee, as "virtual" meetings. These meetings will be video streamed live on the internet and a video recording maintained on the council's website after the meeting. This is in response to a recent change in legislation as a result of COVID-19. This arrangement will be adopted while public health emergency measures including, for example, social distancing, remain in place.

Meetings will be streamed live on the Herefordshire Council YouTube Channel at

<https://www.youtube.com/HerefordshireCouncil>

The recording of the meeting will be available shortly after the meeting has concluded through the Planning and Regulatory Committee meeting page on the council's web-site.

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=264&Year=0>

YOU HAVE A RIGHT TO: -

- Observe all "virtual" Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Access to this summary of your rights as members of the public to observe "virtual" meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect documents.

Guide to Planning and Regulatory Committee

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

Councillor John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxtan	It's our County
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor William Wilding	Herefordshire Independents

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

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

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

(Note: The public speaking provisions have been modified to reflect the “virtual” meeting format the Council has adopted in response to a recent change in legislation as a result of COVID-19. Those registered to speak in accordance with the public speaking procedure are able to participate in the following ways:

- *by making a written submission*
- *by submitting an audio recording*
- *by submitting a video recording*
- *by speaking as a virtual attendee.)*

Role of the local ward member

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

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

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

The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held at online meeting on Wednesday 7 April 2021 at 10.00 am

Present: Councillor John Hardwick (chairperson)
Councillor Alan Seldon (vice-chairperson)

Councillors: Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Tony Johnson, Graham Jones, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and William Wilding

In attendance: Councillor Mike Jones

98. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews and Paul Andrews.

99. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Graham Andrews.

100. DECLARATIONS OF INTEREST

Agenda item 6: 202265 - Land South West Of Orchard Close, Dilwyn

Councillor Hardwick declared an other declarable interest as he knew the applicant's agent.

Agenda item 8: 210437 - 22 Lady Somerset Drive, Ledbury

It was noted that many members of the Committee knew the applicant as an officer of the Council.

Agenda item 9: 204252 - Herefordshire Football Association, Widemarsh Common, Hereford

Mr K Bishop, Lead Development Manager, declared a schedule 2 interest as a Director of the Association and left the meeting for the duration of this item.

101. MINUTES

RESOLVED: That the minutes of the meeting held on 17 March 2021 be approved as a correct record and signed by the Chairman.

102. CHAIRPERSON'S ANNOUNCEMENTS

None.

103. 202265 - LAND SOUTH WEST OF ORCHARD CLOSE, DILWYN, HEREFORDSHIRE, HR4 8HQ

(Proposed outline application with all matters, save access, reserved for the residential development of 20 open market homes and 10 affordable homes.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking for virtual meetings the following spoke at the meeting as virtual attendees: Mr P Kyles of Dilwyn Parish Council, who spoke in support of the scheme, Mr N Jones, a local resident, speaking in objection; and Mr J Spreckley, the applicant's agent, speaking in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Mike Jones, spoke on the application. In summary, he emphasised the Parish Council's support for the scheme and the potential benefits for the local community. These included additional customers for local services, affordable housing and enhanced conservation. Heritage England had considered the harm to the castle mound to be less than substantial and the application proposed to develop the tourist potential of the site. Concerns had been expressed about flooding but he did not consider these to be justified. The applicant had submitted a planning application for the development of a wetland which would mitigate any phosphate discharge. The Parish Council had worked with the developer to provide a positive development for Dilwyn.

The Committee discussed the application.

The Lead Development Manager re-emphasised the proposed grounds for refusal highlighting the objection by Welsh Water. He acknowledged the potential benefits to the village of a larger housing scheme as proposed as this would deliver affordable housing. However, the current application before the Committee was not suitable.

The local ward member was given the opportunity to close the debate. He reiterated the Parish Council's support for the application and the benefits of the development for Dilwyn.

RESOLVED: That planning permission be refused for the following reasons:

- 1. The site lies within the catchment of the River Lugg Special Area of Conservation (SAC), which comprises part of the River Wye SAC, and triggers the requirement for a Habitat Regulations Assessment. Under the Conservation of Habitats and Species Regulations 2017 (as amended) there is a requirement to establish beyond all reasonable scientific doubt that there will not be an adverse effect on the integrity of the River Wye SAC (Lugg sub catchment) which is currently failing its water quality targets. The proposal therefore fails to meet the requirements of policies LD2, SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework (paragraph 170e)), together with the provisions set out in The Conservation and Habitats and Species Regulations 2017 (as amended). This provides a clear reason to refuse planning permission under paragraph 11 d) i of the National Planning Policy Framework.**
- 2. Development of the site would result in less than substantial harm (quantified as being at a high degree within this category) to the significance of designated heritage assets; namely a Scheduled Monument (Castle Mound) and the setting of the Dilwyn Conservation Area. This is**

contrary to policies SS6 and LD4 of the Herefordshire Local Plan - Core Strategy. Furthermore, the harm is considered sufficient to outweigh the public benefits, taking into account the weight to be afforded to the assets' conservation as set out in Chapter 16 – Conserving and enhancing the historic environment of the National Planning Policy Framework. Consequently, this provides a clear reason to refuse planning permission under paragraph 11 d) i and also when having regard to all other considerations (as required by section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2)(a) of the Town and Country Planning Act 1990 (as amended)), the adverse impacts outweigh the benefits such that permission should be refused under paragraph 11 d) ii as well.

3. On the basis of the information submitted it has not been demonstrated that the proposed development would not unacceptably sterilise mineral reserves. This is contrary to policy M5 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.
4. The proposal does not include necessary improvements to facilitate pedestrian connectivity to local services and public transport. As such the proposal would fail to meet the requirements of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.
5. A legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has not been completed. As such, there is no legal mechanism by which the Local Planning Authority can properly secure the delivery, construction and occupation of the proposed affordable dwellings and secure financial contributions towards required community infrastructure. These measures are necessary to make the development acceptable. The absence of an agreement is in conflict with policies SC1, H1 and ID1 Herefordshire Local Plan Core Strategy 2011-2031, the Council's Planning Obligations Supplementary Planning Document (April 2008) and the provisions of the National Planning Policy Framework.

Informative:

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.

104. **210086 - CHASEWOOD, 42 EASTFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JZ**

(Proposed first floor extension and alterations.)

(Councillor James fulfilled the role of local ward member and accordingly had no vote on this application.)

The Planning Officer gave a presentation on the application.

Councillor James had fulfilled the role of ward member for this application. In accordance with the Council's Constitution he commented upon it. He supported the application.

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

1. **Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans**
3. **Prior to the first use of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the south elevation shall be glazed with obscure glass only. The obscured glazing shall be retained in perpetuity.**

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

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

105. 210437 - 22 LADY SOMERSET DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2FF

(Proposed erection of a shed.)

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Howells, had made a written submission. This was read to the meeting. He supported the application.

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

1. **CO1 - Time limit for commencement (full permission)**
2. **CO7 – The development hereby approved shall be carried out strictly in accordance with drawings: 02-2021-01, Layout Plan; Block Plan; Location Plan, and the Application Form.**

INFORMATIVES:

1. **IP1 Application Approved Without Amendment**

106. **204252 - HEREFORDSHIRE FOOTBALL ASSOCIATION, WIDEMARSH COMMON, HEREFORD, HEREFORDSHIRE, HR4 9NA**

(Proposed extension to existing car park to create additional capacity.)

(Mr K Bishop, Lead Development Manager, declared a schedule 2 interest as a Director of the Association and left the meeting for the duration of this item.)

(Councillor Polly Andrews fulfilled the role of local ward member and accordingly had no vote on this application.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking for virtual meetings, Mr A Darfi, the applicant, spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Polly Andrews, spoke on the application. In summary, she commented that the proposal would address a shortage of car parking spaces. The Association served the whole County meaning provision had to be made for travel by car and minibus even if users within the City could access the site by foot or bicycle. The current lack of parking space was causing inconvenience to nearby residents.

The Committee discussed the application. A number of amended/additional conditions were proposed.

The local ward member was given the opportunity to close the debate. She reiterated that there was county-wide use of the facility and the need for additional parking. She supported the additional/amended conditions.

A motion in support of the application with the following amended/additional conditions was carried: requirement to consider the type of surface for the car park with a preference for loose weave tarmacadam, consideration given to the layout off Moor Walk to facilitate pedestrian/cycle use, restriction of the emergency access at Moor Walk to pedestrian/cycle use and emergency vehicles only, an increase in the number of electric vehicle charging points to 4, and a requirement to provide an updated travel plan.

RESOLVED: That planning permission be granted subject to the following conditions and the following amended/additional conditions: requirement to consider the type of surface for the car park with a preference for loose weave tarmacadam, consideration given to the layout off Moor Walk to facilitate pedestrian/cycle use, restriction of the emergency access at Moor Walk to pedestrian/cycle use and emergency vehicles only, an increase in the number of electric vehicle charging points to 4, and a requirement to provide an updated travel plan and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 (Time limit for commencement (full permission))**
2. **C06 (Development in accordance with approved plans)**
3. **CBK (Restriction of hours during construction)**
4. **CAT (Construction Management Plan)**

5. **CBO (Scheme of surface water drainage including strategy)**
6. **CNS (Non-standard condition: Details of car park layout including parking spaces and implementation)**
7. **CNS (Non-standard condition: Details of 2 no. electric vehicle charging points and implementation)**
8. **CK3 (Landscape Scheme and Implementation)**
9. **CDL (Car park drainage)**
10. **CNS (Use of site in accordance with Community Use Agreement approved under Condition 4 of P182950/F)**
11. **CC1 (Details of floodlighting/external lighting)**

INFORMATIVES:

1. **IP1 – Application Approved Without Amendment**
2. **I05 – No drainage to discharge to highway**
3. **I11 – Mud on highway**
4. **I35 – Highways Design Guide and Specification**
5. **I33 – Ecology (General)**
6. **I10 – Access via public right of way**

107. DATE OF NEXT MEETING

Noted.

Appendix - schedule of updates

The meeting ended at 12.27 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 7 April 2021

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

**202265 - PROPOSED OUTLINE APPLICATION WITH ALL MATTERS, SAVE ACCESS, RESERVED FOR THE RESIDENTIAL DEVELOPMENT OF 20 OPEN MARKET HOMES AND 10 AFFORDABLE HOMES AT LAND SOUTH WEST OF ORCHARD CLOSE, DILWYN, HEREFORDSHIRE, HR4 8HQ
For: Garnstone Estate Ltd per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS**

ADDITIONAL REPRESENTATIONS

Further comments have been received and in summary they raise the following additional comments:

Objection (Mr P Stilwell)

- The watercourse ditches, to which the proposed attenuation pond would discharge into, are unsuitable due to:
 - being in third party ownership they cannot be maintained by the developer
 - their narrow nature, which leads to debris built up and flooding
- flooding of the site would discharge the excess water into the historic areas of village
- the site floods and is very boggy even in warm water
- photographs provided of the site 'under water'

Support - Dilwyn Neighbourhood Development Plan Committee (Peter Kyles – secretary & Bill Bloxsome – NDP Consultant)

- we have been tasked with meeting CS housing requirements and have tackled this positively
- we have looked at all available site options (contrary to the report) and came to the conclusion that this is the only suitable one – Officers have pointed us in the direction of this site
- other than Historic England's intervention what has changed since earlier assessment of the site
- Conservation Area review did not suggest the site to have significant heritage value, such as to prevent development or provide greater protection
- At NDP consultation heritage officers did not highlight issues
- At NDP preparation stage Historic England requested more detailed studies be carried out before the site could be considered – this was not possible through the NDP, so it was withdrawn from examination to allow the Parish to work with the landowner to undertake the work
- Landowner was prepared to carry out necessary preliminary works and this shows that area where any archaeology is likely to be present can be left undeveloped
- Effect on the setting of the Scheduled Monument would not be less than substantial harm to its significance
- Mound is already obscured by housing and copse
- No reason that a sensitive scheme could not preserve the conservation area
- Welsh Water indicates (Water Cycle Study Addendum) that Dilwyn falls within its category where the growth target can be achieved, but requires monitoring. No reason that this cannot be achieved
- Requirement for more minerals information appears unnecessary – cannot seriously and realistically expect mineral extraction adjacent to the village
- Benefits of development should be weighed against the less than substantial harm
- The community has fought hard to retain the village school, public house and promotes measures for health and wellbeing of all its residents

- All pertinent matters are set out in the NDP Basic Condition and Consultation Statements and should be taken into account
- HRA must show a 'significant' effect not just one that might be 'de minimis'. A relatively small site served through a public waste water treatment works where the landowner is seeking to address the wider problem and is some miles from the start of the SAC cannot be a significant effect
- We hope you support the application

Applicant (Agent, Mr James Spreckley)

- The Scheduled Monument is barely visible from the site or road into the village - It can be seen from the east and this is why parcels of land to the east and southeast were excluded from the draft DNDP
- The less than substantial harm should be outweighed by the public benefits
- In response to the five reasons for refusal:
 - 1) Foul drainage/phosphates
This can be addressed by condition relating to the delivery of the wetland (application reference 203468/F), which offers a deliverable solution to the issue of phosphates and surplus capacity to unlock housing proposals elsewhere in the catchment
 - 2) Harm to heritage assets
Harm is less than substantial and is not a substantive reason for refusal. Submitted Masterplan has been designed to take a very sympathetic approach to the setting of the Mound, keeping housing away from the closest areas and providing views towards it
 - 3) Mineral Reserves
This can be dealt with by condition requiring an assessment. Our consultants have been asked to address this issue. Question suitability of quarrying for minerals (sand and gravel) adjacent to the village
 - 4) Lack of improvements to pedestrian connectivity
This is not an 'in principle' reason for refusal. Pedestrian connectivity improvements can be dealt with by condition
 - 5) Lack of a completed section 106 agreement
This is a technical reason for refusal. It would be dealt with by completing a s106 agreement once there is a resolution to grant permission
- Site is included in the dDNDP and has strong support from the Parish Council to deliver much needed housing
- There are no substantive reasons to refuse

OFFICER COMMENTS

These further comments do not raise any issues that are not already appraised in the Report.

It has been noted that the position of the proposed vehicular access shown on the illustrative 'Site Masterplan' differs to that on the 'Proposed Site Access and Visibility Splays'. As the application is in outline form, with only access (of the reserved matters) for consideration at this time the application should be determined on the basis of the access position shown on the 'Proposed Site Access and Visibility Splays'. The application has been assessed on this basis.

NO CHANGE TO RECOMMENDATION

204252 - PROPOSED EXTENSION TO EXISTING CAR PARK TO CREATE ADDITIONAL CAPACITY AT HEREFORDSHIRE FOOTBALL ASSOCIATION, WIDEMARSH COMMON, HEREFORD, HEREFORDSHIRE, HR4 9NA

For: Mr Alan Darfi per Mr Keith Edwards, 10 Canterbury Avenue, Hereford, Herefordshire, HR1 1QQ

ADDITIONAL REPRESENTATION

Following publication of the report, Hereford City Council have made the following representation:

“The Planning Committee had no objection to this application.”

OFFICER COMMENTS

In response to a question raised during the site visit, a Travel Plan was approved as part of a previous planning permission for the construction of the artificial turf pitch (condition 7 attached to planning permission P182950/F) to the south-east of the application site.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 APRIL 2021
TITLE OF REPORT:	202567 - OUTLINE PERMISSION FOR THE ERECTION OF 1 NO. DWELLING AT LAND WEST OF ORCOP VILLAGE HALL, ORCOP, HEREFORDSHIRE For: Mr Cooper per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202567&search-term=202567
Reason Application submitted to Committee - Redirection	

Date Received: 6 August 2020

Ward: Birch

Grid Ref: 345966,226441

Expiry Date: 28 February 2021

Local Member: Councillor Toni Fagan

1. Site Description and Proposal

- 1.1 The application site lies within the Parish of Orcop on the southern side of the C1234 approximately 150m West of the Parish Hall and 1.5km West of Orcop Castle, a scheduled ancient monument, and Church (Grade II Listed - Church of St John the Baptist).
- 1.2 The application site covers an area of approximately 0.19 ha and is currently open pasture with a hedgerow boundary dissected by a field access to the C1234. The site forms a small part of a wider field that slopes down to a brook that joins the Garren Brook some 250m South West of the application site.
- 1.3 The application has been made in outline with all matters reserved for the erection of a single residential dwelling.

2. Policies

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

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS7	-	Addressing climate change
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire's countryside

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

2.2 National Planning Policy Framework 2019 (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

3. Planning History

3.1 The site has no planning history and no pre-application advice was sought.

4. Consultation Summary

Statutory Consultations

4.1 Natural England

NO OBJECTION

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

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions

Internal Council Consultations

4.2 Principal Natural Environment Officer (Ecology)

The site is within the River Wye SAC catchment (that at this time has not been advised by Natural England as failing its conservation status) and a Habitat Regulations Assessment process is triggered by this application. The HRA appropriate assessment completed by the LPA must be subject to a formal 'no objection' consultation with Natural England PRIOR to any grant of planning consent.

The following points-notes are raised as part the HRA process:

- The proposal is for a new single 4 bedroom dwelling
- There is no connection to mains sewer available at this location.
- The applicant is proposing to use a new private foul water treatment system to support the proposed development.
- Soakaway drainage fields cannot be achieved at this location due to variable-poor local percolation.
- The proposal is to drain outfall from the PTP to a suitable outfall to the local watercourse.
- To help reduce phosphate pathways/loading a tertiary treatment through a BRE compliant reed bed is proposed prior to final outfall to watercourse.
- The River Wye SAC catchment at this location is not currently advised as 'failing' its conservation status.
- The existing phosphate allowance as agreed through the Core Strategy has capacity to accommodate any phosphate loading/pathways from this single additional dwelling.
- There is unassessed mitigation of some existing agricultural phosphate loading by this development and change of use of the land it is located on.
- All surface water will be mitigated as far as possible using permeable features but the additional impermeable surface run off (clean roof water) will be managed and discharged to the local watercourse.
- The agreed foul and surface water management systems can be secured by condition on any planning consent granted.

Subject to approval of the appropriate assessment submitted to Natural England and the relevant conditions secured on any consent granted the LPA considers that there are NO adverse effects on the integrity of the River Wye SAC.

A modified version of std condition CKK applies (note also update due to Brexit)

HRA New Private Treatment Plant & Surface Water management

As detailed in the drainage report by H+H drainage dated July 2020, all foul water shall discharge to new private foul water system with outfall managed through a reed bed system before final discharge to local watercourse on land under the applicant's control; and all surface water shall be managed through permeable surface or managed discharge to local watercourse; 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.

Additional ecology comments:

The supplied ecology report is noted. As this is an outline application and the site is in an isolated and rural location it is relevant for the LPA to request that as part of the final 'reserved matters' or discharge of conditions that an ecological working method statement, relevant at the specific time of development commencing is secured to ensure all transient, opportunistic use of the site by highly mobile protected species is properly considered and mitigated.

Std condition CKS (updated post brexit) applies:

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Ecological Working Method Statement

Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular XXXXXXXXXX. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, 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 SS6, LD1, LD2 and LD3..

The site is located in an intrinsically dark landscape that benefits local amenity and nature conservation – that includes known local presence of light sensitive/nocturnal protected species such as Bats and Barn Owl. A condition to ensure this 'dark landscape' is not impacted by the development (as supported by NPPF para 180) is requested:

Std Condition CKN is applicable (amended for brexit):

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting except in relation to safe use of the approved or existing buildings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, 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), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19)

As identified in supporting information and as identified in the NPPF, council's core strategy policies and ethos of the soon to be enacted Environment Bill all development should clearly demonstrate how it will deliver a secured, net gain in local biodiversity potential. A detailed plan showing locations and detailing the specification of all biodiversity net gain features including but not limited to enhancing Bat roosting, Bird nesting, Insect populations, Hedgehogs, alongside the proposed area of Traditional Orchard and any other proposed tree and shrub planting should be secured through condition.

CNS based on CKQ

Ecological Protection & Protected Species

Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features including provision for bat roosting, bird nesting, insect populations and hedgehogs, and the provision of an area of new Traditional Orchard and all proposed tree and shrub planting; 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.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

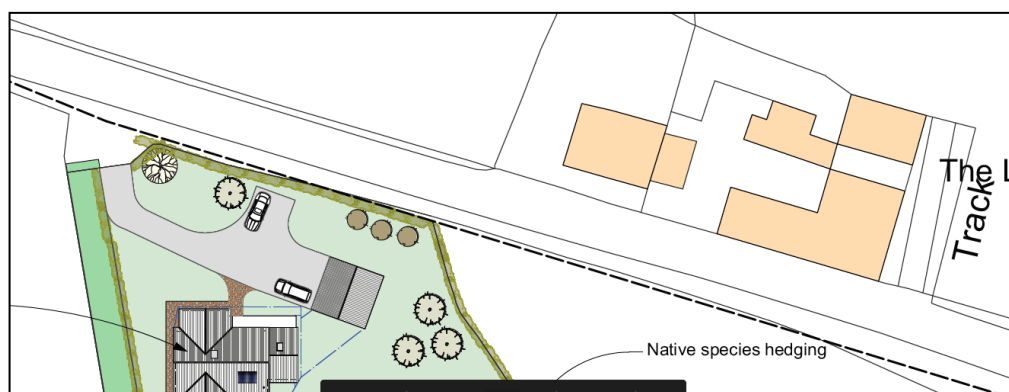
4.3 Team Leader Area Engineer

Initial comments 3rd Sept 2020

The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

The any amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below.

The visibility splays shown to the east on the submitted drawing appear to not be achievable due to obstruction on land not within the control of the applicant or within the extents of the highway. The extract from drawing number 331/02 shown below illustrates the area where the splay appears unachievable:



The 2.0m set back is considered acceptable for the location and single dwelling proposed.

The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently. The details of the way in which the access drains is not included in the proposal. It is not acceptable for water to shed from accesses onto the public highway. The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

The vehicle turning area is adequate for the scale of the dwelling. The dimensions of the driveway are adequate for the scale of the development.

The parking provided equals or exceeds one 2.4m x 4.8m space per bedroom to a maximum of 3 spaces. This element of the proposal is acceptable. The garage can accommodate cycle parking without reducing the car parking to an unacceptable level.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

The proposals are considered unacceptable in highways terms for the following reasons:

- Visibility arrangements are inadequate to demonstrate that the proposals do not have an unacceptable impact on road safety.

The proposals can be made acceptable by reviewing the layout of this splay, having regards to the content of the DfT's Manual for Streets 2 document and Herefordshire Council's Highways Design Guide for New Developments

In the event that permission is granted the following conditions and informative notes are recommended.

CAB - Visibility Splay Required (2.4m x 215m)
CAE - Access Construction Specification
I11 - Mud on Highway

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

Following submission of speed survey and amended plans 23rd Mar 2021

Further to the previous highways comments on this application the design of the access has been amended to take into account the results of a speed survey in accordance with the criteria set out in Manual for Streets 2. This is considered appropriate for this site and the dimensions are demonstrated as achievable in the revised drawing numbered 331/02 Rev A. In order to ensure that the visibility splays are developed condition CAB should be applied (2.0 x 90m) in accordance with this drawing.

Condition CAE is also considered appropriate as previously set out.

There are no highways objections to the proposals, subject to the recommended conditions being attached.

CAB - Visibility Splay Required (2.4m x 215m)
CAE - Access Construction Specification
I11 - Mud on Highway

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

I have visited the site, and observed carefully the sites relationships with the neighbouring property; the village hall; views up and down the lane and across the site; and looking down over the site from the proposed access.

The site is relatively screened from the lane (except from the wide gap at the existing access into the field) and property diagonally across the lane, although this could quickly change in the autumn and winter months. The trees are not protected, so they could easily be reduced if desired. The building, and roof line would most likely be visible from the village hall, and this may impact the open, countryside nature of this community building. The site and landscape to the east is open countryside and exposed. This is the main concern. Locating a building at this specific

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

location will have an adverse impact on the visual amenity of an open countryside, contrary to Core Strategy, Local Plan LD1.

The proposal to plant an orchard (of reasonable size) is at odds with the landscape character of that area. There are some small remnant traditional orchards, but they have historic roots. A new orchard changes the landscape character of an open countryside landscape.

The pattern of the fields are large. By 'fencing' off a small plot around the buildings and applying a hedgerow to bound the plot changes a distinctive large scale landscape.

Overall, I am not convinced that this is the most appropriate architectural and landscape design for this site, or the correct site for this style of development.

- The site is within the open countryside, and the development is visually dominant.
- The development changes the use of agricultural land.
- The development changes the landscape character.

If the building could demonstrate a scale and low height design (i.e. earthbound, with grass roof), that was less impacting on the open countryside, and could maintain the openness of the landscape, then this may be considered.

5. Representations

5.1 Orcop Parish Council

The Parish Council objects to the proposals set out in the planning application for the following reasons:

- a) The proposed dwelling is contrary to Herefordshire Council's Core Strategy (para 4.8.22 which clearly states that new isolated houses should be avoided.
- b) The Core Strategy also states that new housing outside the defined settlements (Orcop & Orcop Hill) will be restricted to avoid unsustainable patterns of development. Moreover, there is a distinct lack of a relationship to both sites.
- c) Reference to a "village" hall is misleading as it suggests a location within the settlement which is not the case.
- d) Based on the available information the proposed residential development fails to satisfy the criteria set in RA3 of the Core Strategy and, in so doing, should not be permitted in what is open countryside.
- e) It is considered that the adverse impact of the proposed dwelling would significantly and demonstrably outweigh the benefits in accordance with paragraph 11 of the National Policy Planning Framework.
- f) The construction of a single dwelling will not have a material impact on delivering the housing target.
- g) Approval of the planning application would set a precedent allowing additional properties to be built on land in the open countryside.

5.2 15 letters of objection, summarised below:

- Impact on the landscape with the site widely visible from the surrounding countryside, highways and PROW network
- Dangerous entrance as will cause conflict with agriculture traffic along a busy road
- Open countryside location, contrary to RA3 and NPPF paragraph 79, away from both Orcop and Orcop Hill
- Housing should be focused near higher occupation areas
- Not a village hall but a parish hall at the centre of the Parish
- Overlook farmhouse opposite the application site

- Parish already met growth target
- Drainage issues as locally soil is poor draining
- Built on land previously associated with a farm house and barn that were sold separately to the land
- Impact on historic landscape and character of local historic farmstead groupings
- Impact on flora and fauna.
- Out of character for the settlement pattern
- No identified local demand for 4+ bedroom properties
- No access to public transport and so there would be a reliance on the private motor vehicle to access everyday services.

10 letters of support, summarised below:

- Village hall nearby
- Welcome new residents
- Welcome residents back that have a tie to the area and land
- Good visibility on the road
- Opposite existing house
- Limited impact on traffic numbers
- Appears to be an eco-friendly proposal.
- Benefit to local enterprise, clubs and community

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202567&search-term=202567

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

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

6. Officer's Appraisal

Policy Context

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

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

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

6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Orcop Neighbourhood Area, which has not

published a draft Neighbourhood Development Plan for consultation and so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2019 is a significant material consideration, but does not hold the statutory presumption of a development plan.

- 6.4 It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply, with the latest updated position statement quantifying a 4.22 years supply of housing across Herefordshire. This leads to the policies for housing supply being considered out of date. As set out in paragraph 11 of the NPPF, in such circumstances where the policies most important for determining an application are considered to be out of date, permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. As such this 'tilted balance' in favour of development is adopted as directed by paragraph 11(d)(ii) of the NPPF.
- 6.5 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle beyond these settlements Policy RA3 states that permission for residential development should be refused unless one of the exceptional circumstances is met. The Parish of Orcop has two settlements identified within the Core Strategy, Orcop Hill is identified in figure 4.14 and is therefore a settlement that will be the main focus of housing growth and Orcop itself is identified in figure 4.15 and is therefore an 'other' settlement where some housing development will be permitted on the basis that proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement
- 6.6 Paragraph 79 of the NPPF is clear that planning policies and decisions should avoid the development of isolated homes in the countryside. In this regard it is clear that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the framework.
- 6.7 It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight in the decision making process despite being considered out of date.

Principle of Development (including Landscape Impact)

- 6.8 In the absence of a sufficiently developed NDP, assessment of the principle of development in the first instance should be made against CS policy RA2 and therefore the sites relationship to the main built form of the settlement. Orcop is a dispersed settlement made up of Orcop Castle, a Scheduled Ancient Monument, the Grade II listed Church of St John the Baptist and a number of nucleated farmsteads located West from the crossroads of the C1234 and the U71418 along the C1234, around which some residential development has occurred historically forming small clusters. Despite the dispersed nature of Orcop it is clear that the application site is well removed from any discernible element of the settlement's main built form, as shown on the map below:

Map 1: Showing the application site marked by the red star and the dispersed yet clustered settlement pattern of Orcop:



- 6.9 While the application site lies opposite an existing dwelling and within 150m of the Parish Hall these are not elements that are considered to lie within the settlement itself and do not form a discernible cluster that could be considered a part of the settlement for the purposes of policy RA2. As such the application site, in planning terms, is considered to lie within open countryside. The erection of a dwelling in this location would therefore be contrary to the established development pattern of Orcop and would create an unwarranted built intrusion into the open countryside and the formation of a dwelling isolated from a recognisable settlement and isolated from surrounding built form in a materially open setting contrary to both CS policies RA2 and RA3 and the core tenets of paragraph 79 of the NPPF.
- 6.10 CS Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations.
- 6.11 As such the degree to which the site is considered to be sustainable is derived, in part, from the access to everyday amenities, services, employment opportunities and alternative, sustainable, modes of transport, beyond that of a private motor vehicle. The settlement of Orcop does not provide any meaningful amenities to residents save for the Church and the surrounding area is similarly limited with the exception of the Parish Hall to the West of the site. The application site, being divorced from the main built form of the settlement has no pedestrian links towards Orcop and there is no provision of public transport in the immediate vicinity. Given the lack of services, amenities, employment opportunities and public transport options it is clear that future residents would have an undue reliance upon the private motor vehicle to access said services.
- 6.12 Furthermore, when in private motor vehicles, occupiers of the proposed dwelling would be likely to drive further afield to access the better range of services and facilities offered by larger settlements, in preference to Orcop, Orcop Hill and other villages nearby. Therefore, the proposal is only likely to offer limited support to services in rural villages, as Paragraph 78 of the Framework envisages.

- 6.13 Taking into account the above factors and the advice in the Framework on sustainable transport solutions varying between urban and rural areas and notwithstanding that some people may work from home, the location of the site for housing does not offer suitable sustainable travel choices in respect of accessibility to a range of services and amenities. Future occupants of the proposed dwelling would therefore be highly reliant on car travel, resulting in adverse environmental effects. In this regard the application site is considered to be inappropriate for residential development as it would lead to an unsustainable pattern of development contrary to the sound spatial planning of the Core Strategy, namely policies SS2, SS4, SS7, RA2 and RA3 as well as running contrary to paragraph 79 of the NPPF in addition it fails to gain support from paragraph 78 of the NPPF.
- 6.14 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity. The Landscape Character Assessment, which was adopted as Supplementary Planning Guidance (SPG) in 2004 identifies the landscape character of the site as Principal Timbered Farmlands. This landscape is characterised by filtered views through densely scattered hedgerow trees and is typified by the organic field enclosure pattern.
- 6.15 The application site has a notably open character in part due to its countryside location and emphasised by the local topography which drops away to the South East, leaving the site widely visible from the surrounding landscape. The Senior Landscape Officer has objected on this basis, as the introduction of a residential dwelling on the application site would mark a significant and detrimental departure from this open character creating unnatural boundaries contrary to the established character of Principal Timbered Farmlands. The site selection has failed to be positively influenced by either the settlement pattern or landscape character of the area and would therefore run contrary to LD1 by compromising the visual amenity of the open countryside.
- 6.16 As such the application proposes residential development in an open countryside location, separated from the settlement of Orcop whereby future residents would have an undue reliance upon the private motor vehicle to access everyday services and amenities with no meaningful access to public transport. Furthermore the erection of a dwelling on the application site would be harmful to the open character of the landscape a point that is compounded by the local topography. Given these points it is Officer's view that residential development in this location does not gain in principle support from the development plan and is manifestly contrary to policies SS2, SS4, SS7, RA2, RA3 and LD1 of the Core Strategy as well as paragraph 79 of the NPPF.

Highways

- 6.17 Policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.
- 6.18 While this application has been submitted in outline form with all matters reserved the Local Highways Authority expressed some concern with the principle of achieving a safe access due to the alignment of the highway whereby the required visibility had appeared to rely on land under third party ownership. The applicant has since undertaken a 7 day speed survey on the C1234 adjacent to the site. The result of the speed survey was that the required visibility splay, in accordance with the criteria set out in Manual for Streets 2, was 2.0 x 90m which can be achieved from the application site relying on land under the applicants control or on highway land. Given this the Local Highways Authority had no objection to the proposal and recommended conditions to secure these visibility splays and construction specification of the access.
- 6.19 The site is appropriately sized to safely accommodate a parking and turning layout for the scale of dwelling proposed, as demonstrated on the indicative layout.

Design and Amenity

- 6.20 CS policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.21 The application has been made in outline and therefore it is only the principle of development to be assessed here. The application site is separated from the only nearby residential dwelling (The Lyon) by the C1234 and would lie diagonally opposite of this dwelling. As such given this offset, the separation distance offered by the C1234 and the front to front relationship of the two dwellings it is considered that an appropriately designed and scaled dwelling could come forward at the Reserved Matters stage to accord with the requirements of Policy SD1.
- 6.22 It is acknowledged that this was mentioned in a number of public representations as a reason for objecting to the proposal however there is no right to a private view and the separation distance is such that a typical dwelling on the site would neither overshadow, overbear or overlook the existing dwelling to a degree that would warrant grounds for refusal.

Ecology and Biodiversity

- 6.23 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.24 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.25 This is furthered by the provisions of policy LD3 which seeks to protect and expand green infrastructure through the identification and retention of green infrastructure corridors and linkages including the protection of valued landscape, trees, hedgerows, woodlands, water courses and adjoining flood plain. Proposals will be supported where they integrate with and enhance such networks.
- 6.26 The application is supported by an Ecology Report undertaken by Ecology Solutions July 2020 which makes an assessment of the application site and its surrounds in regards to local biodiversity including habitats and protected/ priority species, the resultant impact of development and recommendations for avoidance and mitigation measures. The Ecology Report has been reviewed by the Council's Ecologist who raised no objection to the impact of the proposal upon local biodiversity and has set out a number of recommended conditions should the application proceed to approval. As such, subject to conditions, the proposal does not conflict with either LD2 or LD3 of the Core Strategy.

Flooding and Drainage

- 6.27 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide

opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.28 According to the Environment Agency mapping the application site lies within Flood Zone 1, which represents the lowest fluvial flood risk. Furthermore the site does not appear to be at risk of surface water flooding and there are no noted flood hazards present on or immediately surrounding the application site.
- 6.29 The application is supported by a Drainage Report (H&H Drainage) which, following site investigations, puts forward a detailed drainage design for the application site with foul water to be discharged to a package treatment plant with final outfall, via a reed bed, to an onsite drainage field. The surface water will be conveyed to the local watercourse to the South of the application site, this discharge will be via a seasonal soakaway to provide both infiltration and attenuation.
- 6.30 Given the application is submitted in outline form the layout of these features would be confirmed at the Reserved Matters stage but in principle they meet the criteria set out in both CS SD3 and SD4 and are therefore appropriate.

Habitat Regulations Assessment

- 6.31 The application site is located within the Garren Brook sub-catchment of the wider River Wye Special Area of Conservation (SAC) and as such the Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal concluding at the screening stage that if unmitigated the proposal would have the potential to harm to integrity of the SAC through the transmission of phosphates. As such the proposal progressed to the Appropriate Assessment (AA) stage whereby the Council's Ecologist concluded that the proposed foul and surface water drainage strategy was achievable and once secured via a planning condition offers sufficient mitigation of the potential adverse effects that the AA concluded there would be no likely adverse impacts upon the integrity of the River Wye SAC. The HRA AA was submitted to Natural England for review who returned a no objection response.

Climate Change

- 6.32 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.33 Proposals for residential development are considered by the Council to need to help redress the climate emergency and the unsustainable location of the development in this instance is considered unfavourably in this regard as there will be a need for residents to travel for services. This heightens the need for any proposal to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 108 that LPAs in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to

enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.

- 6.34 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that an application in such a location should be supported by car charging points for future residents, this could reasonably be secured by condition if the application was recommended for approval.
- 6.35 The agent for the applicant has completed the Climate Change checklist which details the measures that will be included at the Reserved Matters, detailed design, stage. These include orientation of the dwelling to maximise solar gain, thermally efficient materials, energy efficient heating system (air source heat pump), provision of solar PV panels and a range of habitat enhancements.

Conclusion and Balance

- 6.36 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.37 At this time the Development Plan comprises the Core Strategy. As set out in the foregoing paragraphs the development proposed is considered to conflict with the Core Strategy policies SS2, SS4, SS7, RA2, RA3 and LD1 by virtue of its nature and location.
- 6.38 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. A key material consideration is the NPPF. As the application is for the supply of housing the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 4.22 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 6.39 This application is for housing, so the policies most important for determination of the application relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker.
- 6.40 Given the site's location and nature of the proposal paragraph 11(d)(i) is not engaged as there are no policies in the framework that provide a clear reason for refusal in this instance. Paragraph 11(d)(ii) is, however, engaged, and the tilted balance adopted. The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives.
- 6.41 The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets and this would bring forward economic and social benefits.

Furthermore it is noted that there is no NDP in place covering this area and so the local supply of housing land remains uncertain with an undersupply of housing within the Parish and a notable restraint of poor infiltration in nearby Orcop Hill further limiting housing growth potential. There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be some social benefits as a result of increased residents in the village and support for local facilities such as the Parish Hall. These benefits are considered to cumulatively be limited, given the small scale of the proposal and its contribution towards the wider undersupply of housing is negligible.

- 6.42 The scheme provides an opportunity to enhance biodiversity, so this does not weigh against the scheme in environmental terms although the specific enhancement plan put forward was not considered locally appropriate for the context of the site and its landscape setting. This would be confirmed at any subsequent Reserved Matters application.
- 6.43 In terms of identified harm, there will be a high degree of reliance on the private motor vehicle to access basic services and amenities and there is a lack of public transport provision in this area, compounding the issue. Furthermore, when in private motor vehicles, occupiers of the proposed dwelling would be likely to drive further afield to access the better range of services and facilities offered by larger settlements, in preference to Orcop, Orcop Hill and other villages nearby. Therefore, the proposal is only likely to offer limited support to services in rural villages, as Paragraph 78 of the Framework envisages. Furthermore residential development in this location is contrary to the sound spatial planning of the Core Strategy and paragraph 79 of the NPPF and will result in an unsustainable pattern of development that will irreversibly impact the open character and public amenity value of the wider landscape character contrary to Core Strategy policies RA2 and LD1. Finally the proposal is contrary to Policy RA3 of the CS, which states that outside of settlements, as Officers consider the site to be, residential development will be limited to that which accords with a number of exceptional criteria. The scheme would not be in accordance with any of these.
- 6.44 Bringing the above together the proposal fails to accord with the development plan and is considered to represent a fundamentally unsustainable pattern of development. The adverse effects of the proposal, as set out above, are considered to significantly and demonstrably outweigh the limited benefits of a single dwelling in this location. As such it is Officer recommendation that planning permission should be refused for the two reasons set out below.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application seeks outline approval for the erection of a single residential dwelling in an open countryside location that is neither within or adjacent to the main built up area of Orcop, the closest named settlement, and as such conflicts with Policy RA2 of the Herefordshire Local Plan – Core Strategy. The proposed development fails to meet any of the exceptions for development outside settlement boundaries, as specified in policy RA3 of the Herefordshire Local Plan – Core Strategy. As a result of the location, away from services and public transport, future occupants of the dwelling would have an undue reliance upon a private motor vehicle to access services and would be more likely to travel further afield, once in private motor vehicles, to access a better range of services and facilities offered beyond the nearby villages. In undertaking the test set out in paragraph 11d)ii of the National Planning Policy Framework, in light of the Council’s current housing land supply position and the very limited social and economic benefits, the identified adverse impact in relation to the direct conflict with the Core Strategy as set out in this reason for**

refusal, and the following reason, significantly and demonstrably outweigh the benefits.

2. The application site is located in a large scale open landscape with wide ranging views possible from a range of locations in the Garren Brook Valley and the erection of a single dwelling and associated change of use would result in unjustified and irreversible landscape harm on a site that is not spatially associated with a settlement or surrounding built form. Furthermore it would be contrary to the established nucleated settlement pattern of nearby Orcop. As such the development proposal has not been positively influenced by the surrounding landscape and settlement character as required by Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

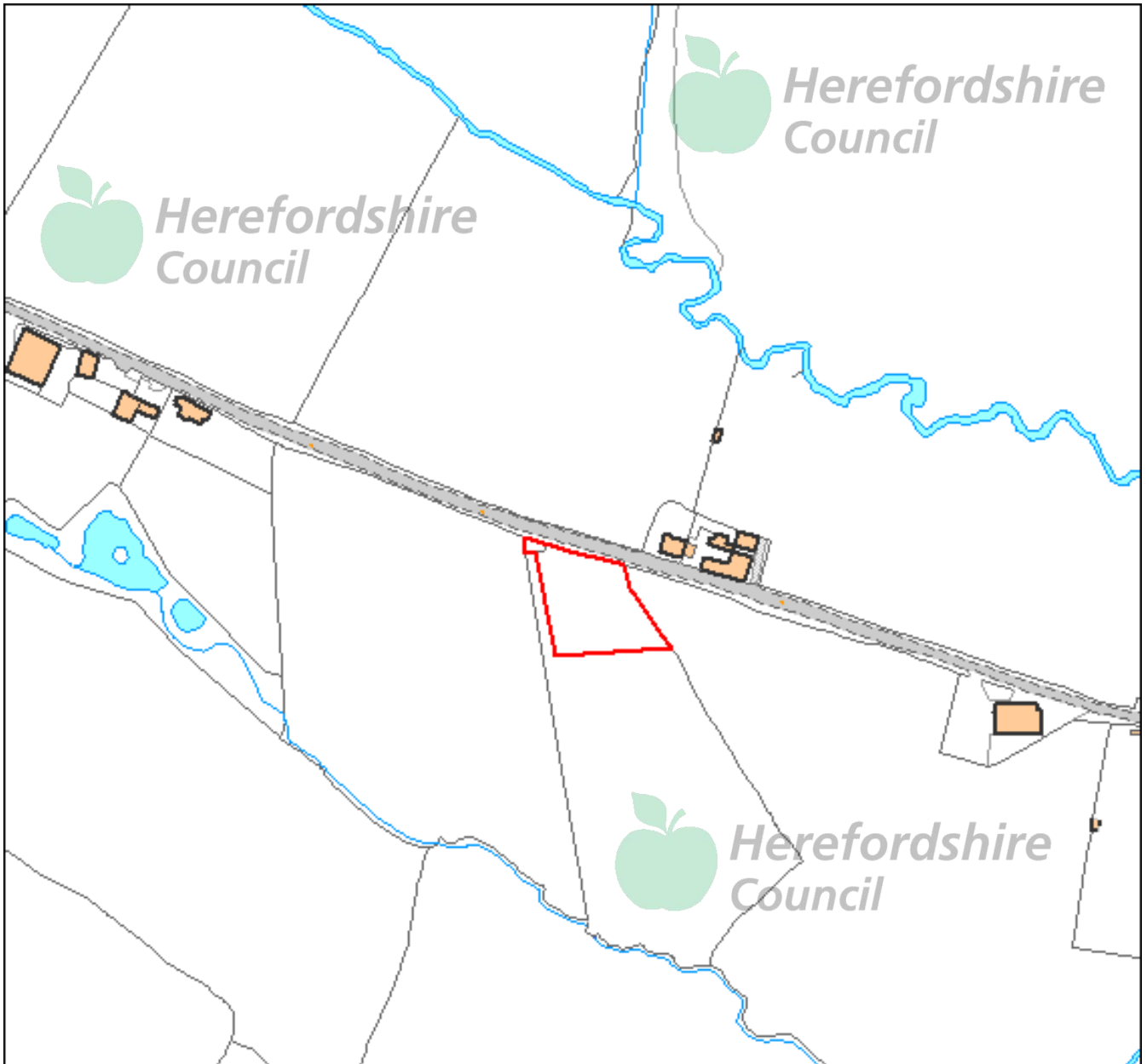
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 202567

SITE ADDRESS : LAND WEST OF ORCOP VILLAGE HALL, ORCOP, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 APRIL 2021
TITLE OF REPORT:	202050 - PROPOSED DETACHED DWELLING AT LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HR9 6BJ For: Strefford per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202050&search-term=202050
Reason Application submitted to Committee - Redirection	

Date Received: 30 June 2020

Ward: Kerne Bridge

Grid Ref: 355437,216927

Expiry Date: 19 March 2021

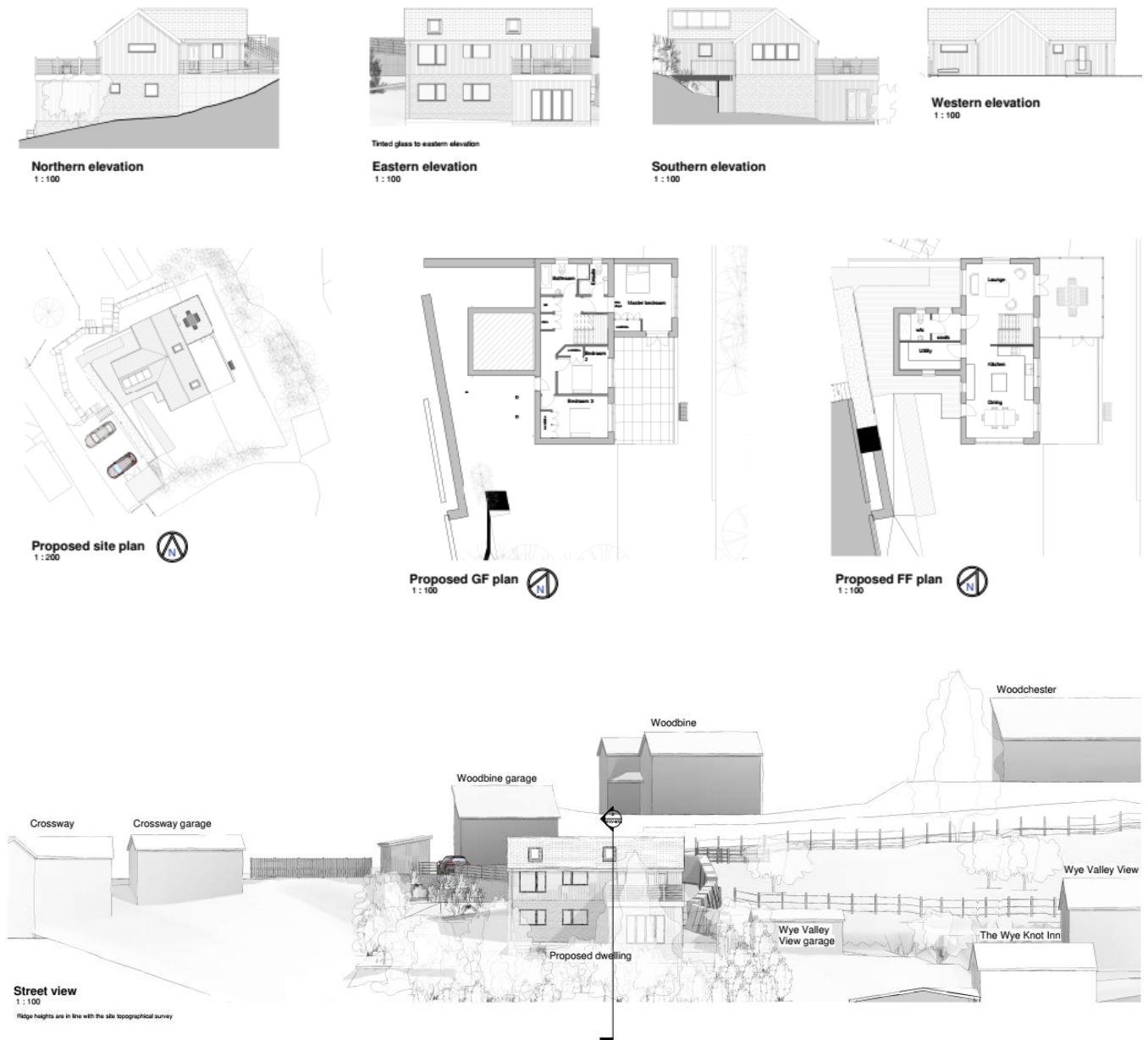
Local Member: Councillor Yolande Watson

1. Site Description and Proposal

- 1.1 The existing property 'Wye Valley View' is located on the eastern slope of Doward Hill in western Symonds Yat. The property is a detached two storey dwelling set within a large curtilage located between the lower B4164 and Ashes Road above, which is a Byway. The curtilage also includes a converted outbuilding used as a holiday let and detached garage. The principal access to the property is from the lower road with a secondary access from Ashes Road.
- 1.2 The application site comprises approximately the southern third of the curtilage extending between the lower and upper roads. Within the site is a mixture of terraced lawns, garden trees and hedge planting. Levels fall sharply from the upper to the lower road.
- 1.3 The site is within the Wye Valley Area of Outstanding Natural Beauty (AONB).
- 1.4 Surrounding the site are a mixture of stone two storey cottages and rendered two storey and split level dwellings and bungalows.
- 1.5 The proposal seeks full planning permission for the construction of a detached three bed dwelling. The proposed dwelling utilises the site levels to achieve a split level design with the more traditional accommodation layout reversed so that the bedrooms are at ground floor and kitchen and living space at first floor. The dwelling will be primarily constructed using natural stone at ground floor and timber clad elevations above, under a pitched slate roof.
- 1.6 The dwelling is sited at the western end of the site, primarily on an area of terraced lawns. The existing access off Ashes Road is to be utilised to accommodate level access to a parking area for 3 vehicles and secure cycle parking, which is at the eastern boundary of the site.

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

1.7 The plans below show the elevations, site plan and floorplans as amended, submitted 17th November 2020, along with a street view plan for reference.



1.8 As part of the application submission a Design and Access Statement, Ecological Enhancement plan, hard landscaping and boundary treatment details and an ecological appraisal were also submitted.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

- 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

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

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

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

2.2 Whitchurch and Ganarew Neighbourhood Development Plan (NDP)

A Neighbourhood Area was designated on 4 December 2013 and the Plan was made on 11 October 2019 therefore full weight can be afforded to the Plan.

- Policy WG1 - Promoting sustainable development
- Policy WG2 - Development Strategy
- Policy WG5 - Symonds Yat West
- Policy WG7 - Housing design and appearance
- Policy WG8 - Sustainable building and site design
- Policy WG14 - Conserving the landscape and scenic beauty both within and outside of the Wye Valley AONB
- Policy WG21 - Highway Design Requirements

https://www.herefordshire.gov.uk/downloads/file/18855/neighbourhood_development_plan_september_2019.pdf

2.3 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 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

3. Planning History

3.1 P171167/FH – Proposed timber framed single garage – Approved with conditions

DCSE2005/0323/V – Use of granny annexe as holiday lets (all year) on self-catering basis – Approved with conditions

DCSE2000/0549/F – Change existing carport and part of existing storeroom to form hall, bedroom and ensuite shower room, modify existing flat to provide stairway between floors – Approved with conditions

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

We have reviewed the information submitted as part of this application and note that the intention is to drain foul water the mains sewer and surface water to a soakaway to which we offer no objection in principle. However, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Internal Council Consultations

4.2 Principal Natural Environment Officer (Ecology)

Habitat Regs. Assessment- River Wye SAC

The site falls within the River Wye SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will discharge to mains sewer and surface water will outfall to SuDs (underground cellular storage and permeable paving) and soakaways, as detailed in the design and access statement (Collins Design & Build, undated). Welsh Water have confirmed connection to mains sewer (letter dated), therefore subject to this mitigation being secured through a relevant condition a conclusion of ‘NO Likely Significant Effect’ on the River Wye SAC has been returned by this LPA.

Habitat Regs. Assessment – Wye Valley Woodlands SAC

The potential for local bat foraging is recognised as being high, and the site is within 1km of Upper Wye Gorge SSSI, part of the Wye Valley Woodlands SAC, and so falls within the Core Sustenance Zone for Lesser Horseshoe bats. The existing trees and hedgerows form important foraging and commuting routes for bats and therefore any proposed illumination of the new dwelling should be kept to a minimum to avoid impacting on bat flight paths.

Subject to a condition being attached to any planning consent to ensure that there is no detrimental impact of lighting on night foraging routes of bats including lighting scheme, as detailed in the drawing WVV-03A (Collins Design and Build, dated April 2020) and Ecological Assessment report (Willder Ecology, dated June 2020), it is considered that there is no detrimental impact of lighting on night foraging routes of bats, a conclusion of No Likely Significant Impacts to Lesser horseshoe bat Core Sustenance Zones within the Wye Valley Woodlands SAC is anticipated.

Site ecology

The advice and recommendations within the ecology report (Willder Ecology, dated June 2020), including biodiversity enhancements (bat roost features and bird nest box, and new native hedgerow planting, should be followed, as per the recommended condition.

4.3 **Principal Landscape Officer**

I welcome the additional information, clarifications and drawings that do demonstrate that the setting of the settlement and landscape character have been considered. In particular the tree survey and landscape scheme are welcome to show how the details will actually fit on the site.

I find that this proposal may be a suitable infill plot within Symonds Yat West as identified within the Whichurch and Ganarew NDP. The proposal is for an individual dwelling of a unique design that works with the level changes on the site. Its location and orientation follow the pattern of the settlement.

Overall, however, I suggest that the building is too large, both in mass and footprint relative to the plot size. I find that the Street View drawing (WVV-07) shows the proposed dwelling to be considerably larger than the adjacent buildings. While new buildings of 21st century appearance are welcome, the scale should still reflect the grain, rhythm and density of the area, which is described as wayside cottages and dwellings within small holdings. A smaller building would appear less squeezed in and more respectful of the scale and character of the original settlement.

Additional comments following amended plans (comments received 8/12/2020)

I have reviewed the revised drawings that show the building has been reduced in size. The street scene (shown on drawing WVV-07a) seems to show a tiny reduction in height, to match the ridge level at the top of the adjacent Crossway building. The width of the house has been reduced more significantly, thereby providing more garden space to the south.

Overall, the unique design of this individual dwelling on an infill plot goes some way to being more suitable to the scale and character of the settlement, and does following the rhythm of buildings along this developed side of Symonds Yat.

4.4 **Team Leader Area Engineer**

There are concerns regarding the implication of this site on a narrow BOAT and the increase in vehicle numbers, however the site is access via the BOAT, therefore please refer to the PROW officer for comments on the access.

Parking and turning should be accommodated within the site and the vehicles should enter and exit the highway in a forward gear, therefore can this be accommodated on site.

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

Additional comments received 4/02/2021

It is noted that this consultation is related to an email from the agent for this application addressing the previously made highways concerns. With regards to the trip generation comment the LHA concedes that the movements associated with a single dwelling will not breach the high thresholds put in place by the NPPF for resisting development on highways grounds. It is also

noted that a suitable condition (CAT) can be applied to cater for deliveries, the provision of site parking for operative's vehicles and managing a site compound.

However with regards to the manoeuvring issue on and off the proposed access further points to demonstrate the LHA issues here may assist in adding clarity. Generally the agent sets out an appropriate argument for the reversing off the site, the LHA generally requests that rural properties can cater for the turning of vehicles within the site because reversing from the access is undesirable in road safety terms. When considering this we must consider that a driver is set back further from the carriageway edge and requires a deeper field of visibility to be able to establish if the manoeuvre can be started safely, or if there is an element of hope. In this case there are significant barriers to visibility that could result in injudicious reversing onto Ashes Lane into the path of walkers, cyclists or motor vehicles using the lane. These barriers are the hedge to the north and the bin/cycle store the south. Both of these things obstruct the visibility from each space to a greater or lesser extent and whilst these are appropriately setback for a vehicle exiting in a forward gear they are in the way for those reversing. If these aspects can be alleviated the LHA will review their position on this point.

In the event that the LPA is minded to approve this application the applicant should be made aware that the construction that adjoins the fabric of the public highway will require a structural approval in principle from the local highway authority to ensure that the structural integrity of any construction work to the supporting land is appropriate.

The proposals do not satisfy the LHA that the scheme will not have an unacceptable impact on road safety due to the access arrangements and as a result these arrangements will require review to make the scheme acceptable in highways terms.

Further comments received following additional information – 23 March 2021

Further to the previous highways comments revised drawings have been submitted concerning the access arrangements. The revision addresses the concerns of the LHA and is considered alongside the comments from the PROW team, consequently the proposal is therefore acceptable. It is recommended that this revised arrangement forms part of the list of approved drawings for this scheme.

The previous comment from the LHA set out that should permission be granted condition CAT is vital in appropriately managing a construction phase in this constrained area of the highway network. In addition to wheel washing apparatus and site operative parking a clear area (site compound) and methodology for the management of deliveries, including the use of smaller vehicles where possible will be required to ensure that the impact to the PROW network is appropriately managed.

There are no highways objections to the proposals, subject to the recommended conditions being applied.

4.5 Public Rights of Way Officer

Access is via public byway WC61. A byway open to all traffic (BOAT) is a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used (i.e. walking, cycling or horse riding). Although a BOAT is maintainable at public expense, section 54(7) of the Wildlife and Countryside Act 1981 states that nothing in that section, or in section 53, obliges a highway authority to provide, on a way shown on a definitive map as a byway, a metalled carriageway or a carriageway which is by any other means provided with a surface suitable for the passage of vehicles.

4.6 Drainage Consultant

Flood Risk Fluvial Flood Risk

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

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy.

Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

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

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches. As the topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems. Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer

Surface Water Drainage

The drainage strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessmentsclimate-change-allowances>.

The Applicant has provided a detail showing that they are intending to use soakaways and it's possible location. We assume that the proposal is to install crates above ground and then backfill the area with granular fill. There is a risk that water will flow through the crates along the same path and so erosion of the granular fill is likely to occur. This will lead to settlement of the patio and could lead to the retaining wall becoming undermined

There is no evidence that testing has been done to standards set out in BRE 365 to determine the viability of the soakaway. It would be better if the soakaway was installed in the existing ground. The Cranfield University Soils Map identifies the soils within the proposed development area to be Freely draining slightly acid loamy soil thus the use of infiltration techniques may be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events. It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a

minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours. The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event.

Foul Water Drainage

As there is a public foul sewer in this area, the Applicant should contact the relevant public sewerage authority to establish whether a connection to the foul public sewer is feasible.

Overall Comment

Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 100 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;

5. Representations

5.1 Whitchurch and Ganarew Group Parish Council

The Parish Council object to this application for the following reasons.

1. Contrary to the application design statement the proposed dwelling is not required to meet the Parish Nplan housing needs - reference policy WG1.
2. It does not meet the Nplan policy WG5 as it is not considered to enhance the environment.
3. The Parish Council consider that vehicle access and turning availability / opportunities will be a major problem in this area Ashes Lane as problems already occur on a regular basis and vehicles parked at the proposed dwelling will have no choice but to use / turn using Ashes Lane.
4. No provision has been made for vehicle turning areas in the plans submitted.
5. In addition construction traffic and deliveries would need to park in Ashes Lane adding further disruption to what is already a busy and problematic byway.

Additional comments following amended plans (comments received 1/12/2020)

The Parish Council continue to object to this application. The reasons for the objection remain as our comments made on the previous application which were submitted to Herefordshire Council by email 29 July 2020.

5.2 In response to the original consultation a total of five objections were received, stating the following points:

- Dwelling would be accessed via a narrow lane
- Only passing place is private drives, where the proposed parking place is
- Not a small dwelling
- Too large for plot

- Ashes Lane not suitable for heavy vehicles
- Unsightly roof
- Concerns for landslip
- Impact on residential amenity due to its size
- Impact upon AONB
- Highway Safety with vehicle manoeuvring onto Ashes lane for parking in the spaces
- Construction traffic would block Ashes Lane

5.3 One letter of support was received raising the following points;

- The existing hedge and trees shown as retained would provide reasonable screen
- The passing place stated that would be lost in objection is private land already used for parking therefore not a formal passing place
- No loss of residential amenity to the property below

5.4 Following amended plans and re-consultation by site notice, 7 letters of objection were received, some of which were further comments to the original objections, the main points raised were:

- Concern over congestion on Ashes Lane
- Building not in character with other properties locally
- Development will impact wildlife and bats
- The narrow BOAT lane has no turning facility
- Concerns the road will be damaged
- Could be issues with increased requirement on water supply and foul sewerage
- Loss of run off area, turning into hard surface
- Increase in noise and disturbance
- Overdevelopment of site
- The reduction in size does not go far enough

5.5 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=202050&search-term=202050

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

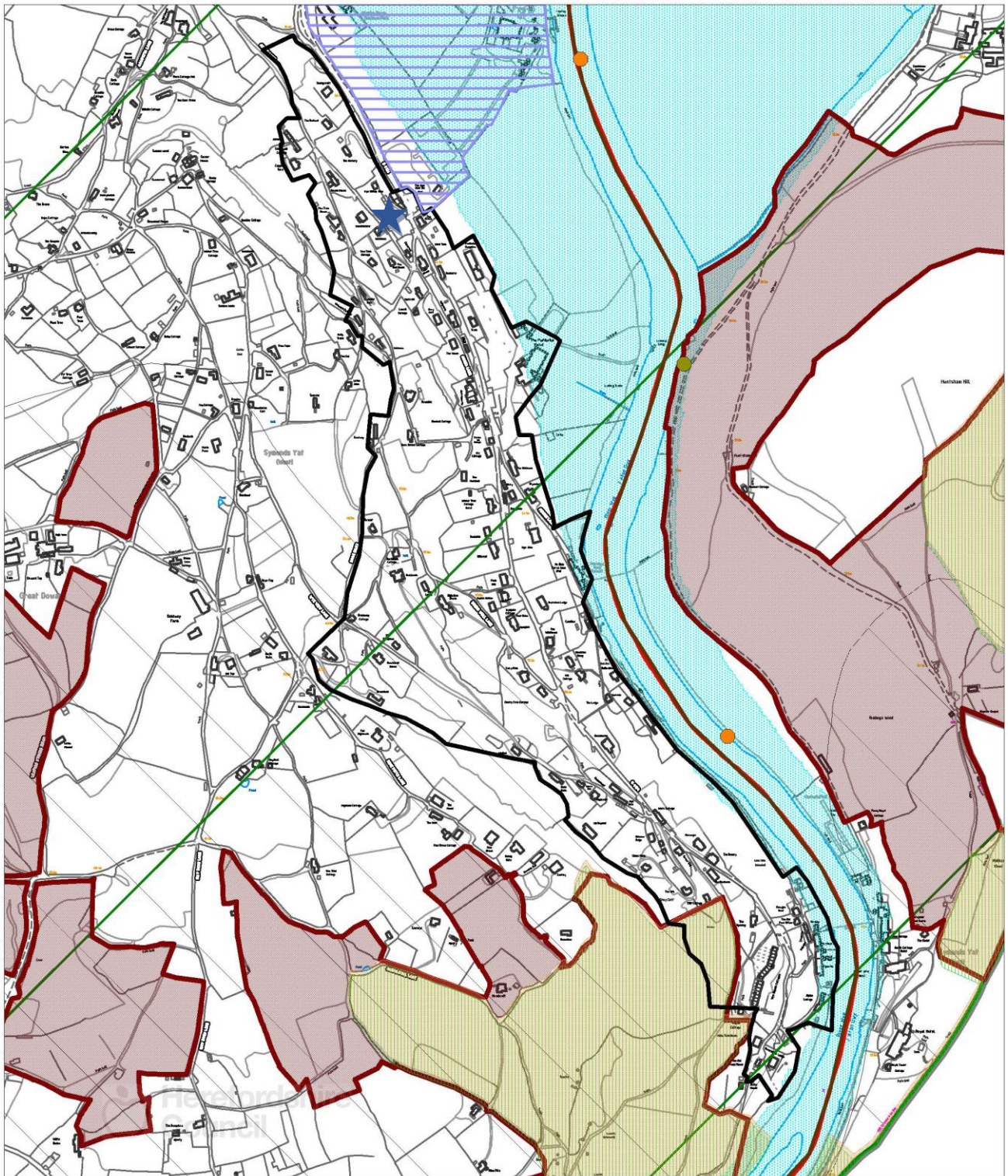
Policy context and Principle of Development













- 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 Whitchurch and Ganarew Neighbourhood Area, which made its Neighbourhood Development Plan (NDP) on 11 October 2019.
- 6.3 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

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

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.

- 6.4 Policy SS1 states that Herefordshire Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development, which fully accords with the aims of the National Planning Policy Framework (NPPF). The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.5 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) 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 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.6 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that the updated position in Herefordshire stands at 4.22 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole, or if specific policies in the current NPPF indicate development should be restricted.
- 6.7 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.
- 6.8 Housing in the rural parts of the county is delivered across the settlements identified at figures 4.14 and 4.15 under Policy RA2. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. Symonds Yat West is a settlement listed under figure 4.15.
- 6.9 The preamble to Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are not in place, a site's relationship with the main built up part of the settlement will be assessed, where new residential development should be within or adjacent to such areas. As stated above, the NDP is afforded full weight.



-  Symonds Yat Settlement Boundary (WG5)
-  Land Liable to Flood
-  Neighbourhood Area
-  Land adjacent to River Wye (WG9)
-  Site of Special Scientific Interest
- 
- 
-  Special Area for Conservation
- 
-  Safeguarding Mineral Reserves
-  Local Wildlife Site (LWS)
-  Area of Outstanding Natural Beauty

Symonds Yat Policies Map

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6.10 The site is indicated on the plan above by the blue star. The settlement boundary is detailed in the NDP in policy WG5. As can be seen from the diagram above, the site is regarded as being within the settlement boundary.

6.11 Policy RA2 further states that if it is located within or adjacent to the main built up part of the settlement the following criteria should be met:

1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

6.12 Policy WG2 (Development Strategy) of the NDP states, 'A settlement boundary is defined for Symonds Yat West within which infilling may take place where this matches the scale and form of the settlement and is designed both to fit sensitively into the landscape and result in the enhancement of the natural and historic environment.'

6.13 Policy WG5 (Housing Development in Symonds Yat West) of the NDP states:

'A Settlement boundary is defined for Symonds Yat West. Proportionate housing growth may take place within this boundary that will be restricted to developments which reflect the historic character of development, respects the landscape form and features along the north east facing valley slopes, and result in enhancements to the environment. The emphasis will be upon maintaining the settlement pattern of the predominant landscape character area. Proposals should:

a) Comprise individual dwellings or small terraces close to road frontages that reflect the form and massing found within the settlement with no development in depth or new clustered groups of houses.

b) Utilise clearly perceptible infill plots when viewed in relation to the character of the frontage, bearing in mind the grain, rhythm and density that predominates in that particular part of the settlement.

c) Ensure dwellings are of an appropriate size to reflect wayside cottages and dwellings within small holdings.

d) Retain small fields and deciduous woodlands.

e) Not result in the loss of the small-scale enclosure pattern.

f) Ensure tree and hedgerow-cover is retained, especially through the use of Tree Preservation Orders in relation to trees.

g) Be capable of being accommodated upon the narrow lane network and not result in the need for them to be widened, although, where appropriate and necessary, providing new or improved passing spaces.

The restoration or replacement of existing premises within the settlement boundary will be permitted where this results in an enhancement of the settlement and reflects its historic character.'

- 6.14 This part of Symonds Yat is largely represented by detached dwellings within their own plots which run along the slope that runs east to west down to the river, and therefore utilise split level properties or areas of flat ground within the plots. The properties are in clusters that front the main road through the village (B4164), and continue to feed back up the slope via Ashes Lane and public byways, with their access off the smaller lanes.
- 6.15 Amended plans received on 17 November 2020 demonstrate that amendments to reduce the overall scale of the dwelling further ensures that the property is in keeping with the surrounding form and layout of residential properties, with a curtilage commensurate with other properties in the locality. It is considered that this proposal complies with the requirements of CS policy RA2 criteria 1 in that it follows the form, layout and character of the surrounding development within the village.
- 6.16 The plot sits within the southern end of the curtilage of Wye Valley View which extends to almost 100 metres in length. There is a further 30 metres to the nearest property to the south, Crossways Cottage. This spacing is consistent with the density of development locally and is not considered to be cramped on the plot. Furthermore there is no set pattern of development in the area, with a more ad hoc arrangement evident to which this proposal adheres, maintaining the historic landscape character. The proposal represents an individually designed dwelling of an appropriate size that fits into an infill plot, maintaining the existing access and parking arrangement that is on the site.
- 6.17 Overall it is considered that the proposal complies with CS policy RA2 and the NDP policies WG2 and WG5 and therefore the principle of development in this location is considered acceptable.

Access and parking

- 6.18 Policy MT1 of the CS and NPPF guidance require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.
- 6.19 NDP policy WG20 mirrors policy MT1 in that development proposals should ensure satisfactory access and off road parking in accordance with the Herefordshire Council car parking standards and ensuring that the volume of traffic generated is acceptable in relation to capacity.
- 6.20 The application seeks to utilise an existing access into the site from Ashes Lane, where there is an existing parking area and gate access into the paddock, to the east of the property Wye Valley View. Ashes Lane is known as a BOAT (a byway open to all traffic) lane which is defined as a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used (i.e. walking, cycling or horse riding.)
- 6.21 The amended access plans submitted 12 February 2021 show two parking spaces and a cycle and bin storage shed, with visibility splays of 65 metres to the north and 30 metres to the south. The hedgerow to the north will be stepped back to provide the suitable visibility, and a new native hedgerow will be planted along the western boundary of the paddock to provide further ecological enhancements. As the access is existing no further works will be required to the parking area adjacent to the highway. The revision addresses the original concerns of the LHA and is considered alongside the comments from the PROW team and consequently the proposal is therefore found to be acceptable. With regard to the impacts on the BOAT and the associated traffic as a result of a single dwelling scheme, this is not found to amount to a 'severe' level of

impact. This is reinforced through the lack of objection to the proposal from the Team Leader Area Engineer.

- 6.22 As part of the objections received it was commented that the proposed parking and access to the dwelling would be utilising an existing passing place along Ashes Lane, however this area is not a formal passing place but is an existing parking area for Wye Valley View, and also part of the access to the gate to the paddock of Wye Valley View, and therefore should not be viewed as a passing place.
- 6.23 The agent has confirmed that site operatives will be parking within the paddock area adjacent, to ensure that Ashes Lane is not blocked by vehicles and that any deliveries of materials can be delivered to the site from the lower road to avoid the need for large vehicles to access the site from Ashes Lane. To ensure this methodology is adhered to and to protect the local road network during construction, a construction management plan will be conditioned.

Ecology

- 6.24 Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new infrastructure.
- 6.25 The application has been supported by an Ecological report, dated June 2020, which makes several recommendations and drawing number WV-03A which provides a number of ecological enhancements for the site, including 85 metres of new native hedgerow to the northern boundary and west boundary, and maintaining the existing tree band, and further native tree planting along the eastern boundary. Automated blinds to the east facing windows and rooflights will mitigate against light pollution, down lights have been detailed within the plans for the external lighting. The Principal Natural Environment Officer (Ecology) has had sight of the assessments and does not object to their conclusions. The reports will be conditioned to be carried out on any approval.
- 6.26 In addition, the application site lies within the Wye Valley Woodlands Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The Wye Valley Woodlands SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.27 The development has been the subject of an Appropriate Assessment under the Habitat Regulations. The HRA AA concluded that subject to conditions there would be no likely significant effect upon the Wye Valley Woodlands SAC. Natural England has been consulted on the completed HRA with details of the conditions recommended by the Council's Ecologist. Natural England confirmed no objections to the proposal. Therefore the proposal is considered to have no unmitigated effects upon the Wye Valley Woodlands SAC in accordance with CS policy LD2.
- 6.28 With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with CS policies LD2 and LD3.

Landscape

- 6.29 Policy LD1 of the Core Strategy requires that proposals incorporate new landscaping schemes to ensure that development integrates appropriately into its surroundings. Likewise, policies WG14 and WG15 of the Whitchurch and Ganarew NDP require that landscaping schemes should protect existing hedgerows and trees.
- 6.30 Policy WG14 of the NDP states: *Development proposals which are acceptable in principle should contribute positively to the Parish's rural character, ensuring the features contributing to its character type, are conserved, restored or enhanced through measures consistent with their characterisation. Landscape features such as trees, vistas and panoramic views that are assessed as important should also be protected. To achieve this, landscape proposals should form an integral part of the design for the development, retaining as many natural features within or surrounding the site as possible.*
- 6.31 Policy WG15 of the NDP states: *Other measures to enhance connectivity within the local ecological network will be sought through creating, retaining and enhancing important natural habitats and features such as woodland tree buffers, ancient trees, tree-cover in general, ponds, orchards and hedgerows.*
- 6.32 A large number of trees on the eastern boundary of the site are being retained, with additional planting of native trees along this side of the site, in addition over 85 metres of native hedgerow will be planted to maintain ecological corridors around the northern and eastern perimeter of the site, which will ensure the rural context is maintained, and the views towards the site from afar remain uninterrupted.
- 6.33 The Landscape Officer has reviewed the amended plans and states that the reduction in the height and width of the proposed dwelling in the amended plans, which allows for a larger private amenity space to the south of the property, with the unique design within the infill plot is more suitable to the scale and character of the settlement and follows the rhythm of buildings along this developed side of Symonds Yat. Therefore there is no objection in terms of landscape nor the proposal's impact upon the Wye Valley AONB.

Design and residential amenity

- 6.34 CS policy RA2 relates to proposals for new housing development in rural settlements, and inter alia requires that developments reflect the size, role and function of the settlement and are of a high quality, sustainable design which is appropriate for and positively contributes to its environment. In this regard policy SD1 is also of relevance, which requires that distinctiveness of the locality is maintained through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Further, Policy SD1 requires that the amenity and privacy of existing and proposed residents is safeguarded. This accords with the principles of the NPPF with regards to requiring good design and ensuring that good standards of amenity are secured.
- 6.35 Properties in the area are detached and set within varying sized plots and many are split level due to the topography, the design of this proposal mirrors that of the existing pattern of development in the area.
- 6.36 The design and appearance of the proposed dwelling is of a unique and high quality proposal. The plot itself will be sited within fairly spacious grounds, with significant boundary planting and additional tree planting, continuing a more rural feel to the site and ensuring sufficient private amenity space for the properties.

- 6.37 The split level design reduces the overall scale and mass of the property whilst making better use of the land, without the need for significant engineering works, and following the site contours. The site section plan shows that from Ashes Lane only the roofline will be visible, and this will in part be screened by the cycle store and parking. The additional hedgerow at the western boundary of the adjacent paddock will further screen views into the site from Ashes Lane.
- 6.38 The tree belt and additional hedgerow planting to the lower eastern boundary will screen the property from the lower road, also ensuring that there is no direct overlooking onto the properties below to the east. Due to the significant screening around the site there should be no overlooking nor overshadowing of any adjacent properties. There is no dwelling directly to the north, and the property to the south would be in excess of 25 metres from the development.
- 6.39 The materials of stone on the lower half with timber cladding to the first floor under a slate roof are entirely appropriate for the context of the site and will maintain the visual amenity for the AONB.
- 6.40 Therefore it is considered that the property is in keeping with the mix of designs and materials of the area and providing a high quality development, which will not have an adverse impact upon the AONB, the village nor the adjacent properties.

Drainage

- 6.41 CS policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.42 The application site lies within the catchment for the River Wye, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.43 The application form accompanying the submission states that foul water will be disposed of via mains drainage to which Welsh Water have no objections. Surface water will be managed through SuDs (underground cellular storage and permeable paving) and soakaways. With these methods aligning with the aims of policies SD3 and SD4, and subject to conditions for a detailed surface water strategy and infiltration testing to be provided, they are considered acceptable and the proposal complies with CS Policies SD3 and SD4.
- 6.44 The development has been the subject of an Appropriate Assessment under the Habitat Regulations. The HRA AA concluded that subject to conditions there would be no likely significant effect upon the River Wye SAC. Natural England has been consulted on the completed HRA with details of the conditions recommended by the Council's Ecologist. Natural England confirmed no objections to the proposal. The strategy conforms to CS policies SD3 and SD4 and following Natural England agreement will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

Climate Change

- 6.45 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals. NDP policy WG8 reflects the requirements for high standard sustainable design to achieve the maximum possible reduction in carbon footprint
- 6.46 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 108 that LPAs in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.47 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for an electric vehicle charging point is recommended to require such provisions are available for future residents.
- 6.48 The proposed dwelling will be built in accordance with the increased energy efficiency standards through building regulations that are coming into force, along with the Future Homes Standard that Central Government are seeking to introduce by 2025, which requires new build homes to be future proofed with low carbon heating.
- 6.49 The benefits of passive solar gain will also be maximised through incorporating larger areas of glazing on the east, south or west elevations and minimising openings on the north elevation. The first floor glazing on the east elevation will also incorporate tinted glass to control overheating and minimise light spill. Solar PV panels are proposed on the southern roof slope of the proposed dwelling and a low carbon heating system in the form of an air source heat pump is also to be incorporated. Materials will be sourced that are ‘A’ rated in the BRE green materials guide whilst the timber used in construction and cladding will be sustainability sourced and Forest Stewardship Certified. Water efficiency measures will also be installed within the property, with low energy lighting systems and appliances rated A++.
- 6.50 Overall it is considered that the design of the proposed dwelling has taken into consideration climate change and incorporated a large number of features through the design and use of the dwelling and is considered a good example of designing in energy efficiency measures and is therefore in accordance with CS policy SS7.

Conclusion

- 6.51 CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.52 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.53 The site is located within the defined settlement boundary indicated within the NDP, and is considered to reflect the existing form, layout and character of Symonds Yat West. In assessing the location and siting of the proposed dwelling I am content that the site accords with the aims of policy RA2 and NDP policies WG2 and WG5.
- 6.54 In assessing the three elements of sustainability:

Economic

- 6.55 Economic benefits would be derived from the construction of one dwelling and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposable income to the local economy and Council Tax revenue and New Homes Bonus would accrue. The impact of one new dwelling as proposed would result in modest benefits.

Social

- 6.56 The provision of housing, in the context of a shortfall, would contribute to the supply and the social needs of the county in a limited manner. In addition occupiers could contribute to village life, as well as potentially supporting other facilities in other villages in the locality. It is recognised that this could help to provide towards the population to help sustain them and one new dwelling would make a modest contribution in this regard.

Environmental

- 6.57 The site is within the defined settlement boundary of Symonds Yat West, identified as being suitable for proportionate growth, and as such is considered to be locationally sustainable within the current policy framework. In landscape terms, the site is within the Wye Valley AONB, however there is significant additional planting through native trees and hedgerows to provide additional screening. The proposal has been reduced in height and width to be proportionally of similar scale to nearby properties whilst maintaining the historic character of development in the location. It is recognised that there is some opposition to the impact of the proposed development upon the character of the AONB, however the additional planting mitigates the visual impact and officers do not consider there to be harm in this instance with the Landscape Officer raising no objection. The proposed development seeks to incorporate a large number of energy efficiency measures to address climate change, along with significant ecological enhancements across the site and improving ecological corridors.
- 6.58 Having undertaken an overall assessment of the proposal officers conclude that the proposal is representative of sustainable development, compliant with national and local planning policy and approval is therefore recommended.

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:

1. C01 - Time limit for commencement (full permission)
2. C07 - Development in accordance with the approved plans – WV-02A; WV-03A; WV-04B; WV-05A; WV-06A; WV-07A
3. CE6 - Efficient use of water
4. CBK - Restriction of hours during construction
5. A Construction Site Waste Management Plan shall be submitted to and approved by the LPA prior to development commencing on site to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:

(i) a description of the likely quantity and nature of waste streams that will be generated during construction of the development;

(ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

(iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

(iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling.

Construction works shall thereafter be carried out in full accordance with the CEMP Sub-Plans.

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan - Core.

6. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Willder Ecology, dated June 2020, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

7. The lighting scheme as recommended in the ecology report by Willder Ecology, dated June 2020, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting

should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

8. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through on site SuDs and soakaway, within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

10. All planting, seeding or turf laying in the approved landscaping scheme pursuant to Approved plan WV-05A shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

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

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

11. Prior to the first occupation of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

12. CAT – Construction Management Plan

13. CBO – Scheme of surface water drainage

INFORMATIVES:

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

2. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

3. **The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

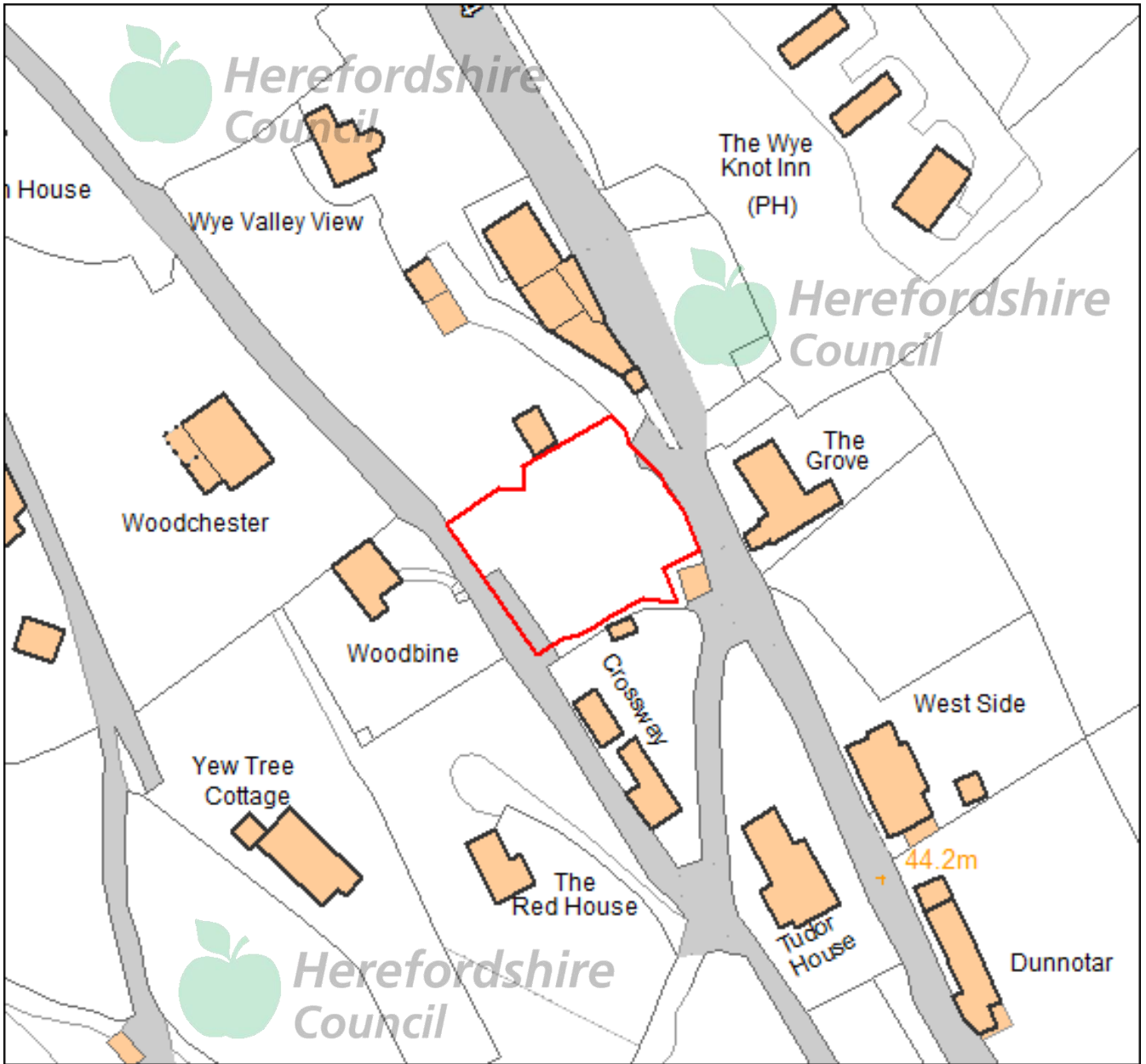
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202050

SITE ADDRESS : LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BJ

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