

Agenda

Planning and regulatory committee

Date: **Wednesday 16 March 2022**

Time: **10.00 am**

Place: **Three Counties Hotel, Belmont Road, Belmont,
Hereford, HR2 7BP**

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:
[Planning and regulatory committee - Wednesday 16 March 2022 10.00 am - YouTube](#)

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor Terry James**

Councillor Paul Andrews
Councillor Polly Andrews
Councillor Sebastian Bowen
Councillor Elizabeth Foxton
Councillor John Hardwick
Councillor Tony Johnson
Councillor Graham Jones
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Felicity Norman
Councillor Paul Rone
Councillor John Stone
Councillor Yolande Watson
Councillor William Wilding

Agenda

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To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
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.	
4. MINUTES	13 - 22
To approve the minutes of the meeting held on 9 February 2022.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
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6. 211049 - SITE ADJACENT TO HOMELANDS, ORCOP, HEREFORDSHIRE, HR2 8SD	23 - 46
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8. DATE OF NEXT MEETING	
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Date of next meeting – 8 April 2022	

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
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- 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.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

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

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

Public transport links

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.

Guide to Planning and Regulatory Committee

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

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Sebastian Bowen	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Independents for Herefordshire
Councillor William Wilding	Independents for Herefordshire

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: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

Role of the local ward member

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

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

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

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Wednesday 9 February 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor (vice-chairperson)

Councillors: Paul Andrews, Sebastian Bowen, Elizabeth Foxton, John Hardwick, Tony Johnson, Jeremy Milln, Felicity Norman, Tim Price, Probert, Paul Rone, John Stone, Yolande Watson and William Wilding

In attendance: Councillors John Harrington

Officers: Lead development manager and Senior planning, highways and regeneration lawyer

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Polly Andrews, Graham Jones and Mark Millmore.

47. NAMED SUBSTITUTES (IF ANY)

Councillor Kevin Tillet acted as a substitute for Councillor Polly Andrews.
Councillor Tim Price acted as a substitute for Councillor Graham Jones.
Councillor Ann-Marie Probert acted as a substitute for Councillor Mark Millmore.

48. DECLARATIONS OF INTEREST

None.

49. MINUTES

RESOLVED: That the minutes of the meeting held on 17 November 2021 be approved.

50. 200995 - BARNS AT KINGSLAND, SOUTH OF LONGFORD, LEOMINSTER, HEREFORDSHIRE

Councillor Sebastian Bowen left the committee to act as the local Ward member.

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Harris, Kingsland Parish Council, spoke on the application, Mrs Pothecray, local resident, spoke in objection to the application and Mr Hicks, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary he commented that the development was contrary to Kingsland's Neighbourhood Development Plan (NDP). The development would have an adverse impact on the conservation area as it did not preserve or enhance the conservation area. There was no

further need for housing in Kingsland. Flooding was a concern on the site. The impact of a power cut on the sewage treatment mound in the application was questioned. The location of the proposed development was not felt to be sustainable.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate he explained that he feared the proposed development would lead to the urbanisation of the area.

A motion that planning permission be refused due to: the substantial reconstruction required to the existing barns and the impact of the proposal on the landscape (with reference to policies RA2, RA3, RA5, SS1, SS6, LD1 and LD4 of the core strategy and policies KNDP 1, 2, 4, 5, 6 and 14 of Kingsland's Neighbourhood Development Plan), was moved and was carried by a simple majority.

RESOLVED: That planning permission be refused due to: the substantial reconstruction required to the existing barns and the impact of the proposal on the landscape (with reference to policies RA2, RA3, RA5, SS1, SS6, LD1 and LD4 of the core strategy and policies KNDP 1, 2, 4, 5, 6 and 14 of Kingsland's Neighbourhood Development Plan).

There was an adjournment at 11:10 a.m.; the meeting reconvened at 11:21 a.m.

Councillor Sebastian Bowen resumed his seat on the committee.

51. 204230 - PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND (Pages 7 - 10)

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mrs Pearson, the applicant, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. In summary he explained that the application had exceptional circumstances. The proposed development was not in the open countryside but was within the settlement boundary of Stoke Prior. An essential need for the development had been established and the proposed development provided job opportunities locally. There was significant local support and only one objection had been received to the proposal. It was requested that in the event the application was approved conditions relating to the landscaping and access to the site should be attached to the permission.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate. He explained his support for the proposal and the need for conditioning of the site access in the event that the application was approved.

A motion was moved that the application be approved; the committee was content that the essential need for the development in its proposed location had been established.

An alteration to the motion was agreed by the proposer and seconder to provide: delegated authority to officers to apply conditions to the permission and approve a drainage strategy in consultation with the chairman of the planning committee and the local ward member.

The motion, as altered above, was put to the vote and was carried by a simple majority.

RESOLVED: that planning permission be granted (the essential need for the development in its proposed location had been established) and delegated authority be provided to officers to apply conditions to the permission and approve a drainage strategy in consultation with the chairman of the planning committee and the local ward member.

52. 214230 - 33 BURDON DRIVE, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4DL

Councillor Paul Andrews left the committee to act as the local Ward member for the next application.

The planning officer gave a presentation on the application.

In accordance with the council constitution the local ward member spoke on the application. In summary he outlined support of the application and the absence of any objections.

The committee discussed the application.

A motion that the application be approved was moved and was carried unanimously.

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

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990. Time limit for commencement (full permission)

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing no. JS/140/21/1 and JS/140/21/2 Rev. C) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.**

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

4. **Prior to first use of the development approved under this planning permission, the RSPB bird box shown on the approved plans shall**

be installed on the east elevation. Hereafter, the bird box shall be maintained as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, and Herefordshire Local Plan - Core Strategy policies LD1 and LD2.

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. 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.

Councillor Paul Andrews resumed his seat on the committee.

53. 214263 - 13 THE CRAFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3BZ

The planning officer provided a presentation on the application.

The committee discussed the application.

A motion that the application be approved was moved and was carried unanimously.

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

1. **Time limit for commencement (full permission)**

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **Development in accordance with the approved plans**

The development shall be carried out strictly in accordance with the approved plans (drawing nos. 178-07; 178-06; 178-05B; 178-04; 178-03; 178-02; 178-01), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies 1, 6 and 7 of the Sutton St Nicholas

Neighbourhood Development Plan and the National Planning Policy Framework

INFORMATIVES:

1. Application Approved Without Amendment

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.

The meeting ended at 12.19 pm

Chairperson

204230 - PROPOSED ALTERATIONS AND DEVELOPMENT OF EXISTING EQUINE FACILITIES TO FORM A NEW INDOOR ARENA, STABLING AND AN ESSENTIAL WORKER'S DWELLING AT PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND.

For: Mr & Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ

ADDITIONAL REPRESENTATIONS

The following was submitted by the applicant's agent on 6 February 2022 and serves as a rebuttal to the published Committee Report.

EXECUTIVE SUMMARY

The applicant has satisfied foul and surface water drainage matters and carried out the late staged technical investigations requested by the LPA. The reports conclude the proposal would not bring about any adverse effects to the environment, in fact the proposal would be an opportunity to improve site-run-off and sequester rainwater for longer periods to reduce the propensity for overland flooding in the wider area, and the existing foul treatment system at the site has sufficient capacity and would be improved by diverting storm water to a separate swale attenuation system.

All manure arising at the site is collected daily and is disposed off site via an ongoing contract with a farm in Worcestershire, which is outside the Lugg SAC area.

The applicant respectively draws the Committee's attention to case law, submitted in the application, which confirms a planning authority would be incorrect to suggest the applicant should sub-divide their current home in order to satisfy a need to house a rural worker. (Application reference: APP.6.2 Cussons and Sons V Sec. State for th Environment; App.6.3 Keen V Sec. State for Communities and Local Govmt.)

The applicant's son who now lives independently occupies the annexed dwelling at the farm and this is no longer available for farm workers.

DETAILED RESPONSE TO THE COMMITTEE REPORT

(Using committee report references)

Para 6.9 / *The Appeal Inspector's decision for 183431/F dismissed a mobile home at the site based on its visual and detrimental impact within the wider landscape setting. The current application seeks to address this visual impact matter in the design to ensure the appearance of an agricultural building and not an appearance of a modern alien caravan or a contemporary sub-urban styled house.*

Para 6.12 / *It would appear the committee report overlooks the fundamental needs of the rural equine business. Need is material in the application, given the requirement for 24-hour onsite supervision of mares in foal, which cannot be satisfied by remote CCTV in order to meet the national animal welfare standards. Furthermore; the groom manager's existing*

accommodation is not classed as a secure tenure as it amounts to nothing more than temporary 'sofa surfing' within a wood cabin adjacent to the site.

Para 6.14 / *The applicant respectively asserts there are two aspects to the equine business. Firstly; self-managed horse liveries where individual customers attend to their own horse, at location-A adjacent to Priory Farmhouse (Ref: App.7 – Location Map, Drawing reference 113); and secondly; an intensive equine business and stud at location B, where onsite accommodation is required. Therefore given the applicant's retirement from the equine business the committee report is incorrect to conclude that... 'there is suitable accommodation within the existing holding.'*

Para 6.31 to 6.35 / *The applicant has commissioned technical reports which satisfies the Planning Officer's request for a 'professional drainage report'. The reports confirm there is capacity within the current drainage systems on site and there would be an overall improvement to the existing foul and surface water drainage regime as a result of the planning approval being implemented. Furthermore, the applicant confirms their willingness to enter into planning condition on drainage matters as suggested at Para 6.35.*

OFFICER COMMENTS

With respect to the reference to case law (Application reference: APP.6.2 Cussons and Sons V Sec. State for th Environment; App.6.3 Keen V Sec. State for Communities and Local Govmt.), officers are not making a suggestion of subdividing a property to make way for a rural worker. Rather, the fact remains that the existing farmhouse benefits from an extant permission for its subdivision and indeed the second dwelling has been let on a short-term occupancy agreement. Critically, officers would note that in the period of time between the appeal decision and the submission of this application, the short-term occupancy agreement ceased and the applicant's son moved in. The Inspector at the time concluded that the use of the second dwelling could not easily be discounted given at the time, it was subject to a short-term agreement. As such, officers raise the question as to why this was not made available for the Groom Manager.

In terms of the rebuttal to paragraph 6.9, the Inspector concluded the following; *'the mobile home constitutes an isolated new home in the countryside and that an essential need for a dwelling to accommodate a rural worker to live at or near their place of work in the countryside has not been adequately demonstrated'*

With respect to the comments on Paragraph 6.12, the Planning Inspector in their decision for 183431/F was not convinced that suitable systems could not be put in place for monitoring purposes, also having regard to equine regulations and guidelines. No evidence or details have been supplied as to why CCTV would not suffice. Therefore and as set out within the Officer's Report, there are no significant changes in the nature and character of the enterprise which in this case lead officers towards a different conclusion on this matter.

The submission of the proposed foul and surface water drainage strategy as requested by the Local Planning Authority is too late to allow for a re-consultation with the relevant consultees before the scheduled committee meeting. As such, the applicant has agreed via email dated 7 February 2022 that these will not be considered, in order to allow for the item to progress to the committee meeting. As such, Reason for Refusal 1 as set out within the Committee Report stands as it cannot be concluded that the development would not have an adverse effect on the integrity of the Special Area of Conservation designated site.

Further comments following Committee Site Visit

The Council's Public Right of Way Officer has confirmed that PROW SP1 is unaltered and officers have had sight of the definitive map.

According to the Herefordshire Council Agricultural Land Classification Map, the site is classified as Grade 2.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16th March 2022
TITLE OF REPORT:	211049 - PROPOSED NEW DWELLING. AT SITE ADJACENT TO HOMELANDS, ORCOP, HEREFORDSHIRE, HR2 8SD For: Jones per Mr Clive Emerson, Studio 2 - Thorn Office Centre, Rotherwas, Hereford, HR2 6JT
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211049&search-term=211049
Reason Application submitted to Committee – Redirection	

Date Received: 15 March 2021
Expiry Date: 23 December 2021
 Local Members: Cllr Toni Fagan

Ward: Birch

Grid Ref: 347998,227997

1. Site Description and Proposal

- 1.1 The application site lies in the centre of Orcop Hill on the northern side of the Village Link Road (U71419) which runs south from the C1235 to the U71418. It is an irregular shaped parcel of land with residential development to the north west (Homelands) and north east (development approved under P161771/O & P181664/RM, named Nos. 1, 2 and 3 The Trees). To the south east the site tapers and then meets the shared access for The Trees. To the south west the site is bounded by the Village Link Road and on the opposite side of this road is residential development (Fountain View, Old Oak House and further south east Nos. 1-4 Wilkes Road).
- 1.2 The application site is elevated above the Village Link Road by approximately 1.5m and slopes from the northern corner of the site down to the southern corner where it meets the shared access for The Trees.
- 1.3 The application seeks full planning permission for the erection of a single residential dwelling. The proposed dwelling is detached and set out over two floors with the first floor contained within the roof space benefitting from dormer windows and roof lights. The dwelling is proposed to include 4 double bedrooms on the first floor with living accommodation across the ground floor. The dwelling has a gross Internal area of 182m².
- 1.4 Externally the proposed dwelling is predominantly lime render above a brick plinth under a clay tiled roof. A subservient gabled section projects from the south east elevation and will be timber clad. A gable front porch is proposed with timber framing posts. The dwelling is proposed to the north west of the application site with access gained via the shared access to The Trees onto the Village Link Road. The dwelling approximately aligns with the building line established on the adjacent site, Homeland.

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

- 1.5 The application includes a proposal for landscaping on the site which will extend the front boundary hedge to the access over an area of ground which is currently open and laid to grass. Members are directed to the proposed plans for full details.

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
- 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

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

2.2 Draft Orcop Neighbourhood Development Plan (dONDP) (Regulation 14)

- ORC1 - Landscape and biodiversity
- ORC2 - Key views
- ORC4 - Design
- ORC5 - Wastewater treatment
- ORC6 - Surface water and flood risk
- ORC8 - Settlement boundaries and site allocation
- ORC9 - Housing mix

<https://www.herefordshire.gov.uk/directory-record/3092/orcop-neighbourhood-development-plan>

2.3 National Planning Policy Framework 2021 (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- 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

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

a review was required to be completed before 15 October 2020. The decision to review the Core Strategy 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.

3. Planning History

- 3.1 P171722/O – Outline - Site for the erection of dwelling - 11-Jul-2017 – Refused
- 3.2 P172896/O – Outline - Proposed erection of a dwelling - 08-Nov-2017 - Approved with Conditions

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 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.

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

4.1.2 Welsh Water – no objection

SEWERAGE

Since the proposal intends utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.2 Internal Council Consultations

4.2.1 Local Highways Authority – no objection

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

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

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety.

The initial site access shown appears to connect to a private road in the form of a shared private drive. This is appropriate in terms of the demand on this nature of infrastructure but this initial connection is not under the jurisdiction of the Local Highway Authority (LHA) and as a result the applicant should satisfy themselves that appropriate access rights exist and that permissions to work on the private infrastructure are obtained.

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 is considered acceptable for the nature of the development. The cycle parking outlined is also adequate for the scale of the development.

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

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>

4.2.2 Ecology – no objection/ no likely significant effects on SAC

The site lies within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any final grant of planning permission. The HRA process must be undertaken with legal and scientific certainty and with a 'precautionary approach.

Notes in respect of HRA:

The supporting information provided by the applicant and their professional drainage engineers (Phil Warren); the comments dated 18/11/2021 by the council's drainage professionals (Balfour Beatty Living Places); and information supplied for specific use of the LPA by Natural England in their Private (small) Foul Water Drainage Risk Map are considered and refer.

- The proposal is for a single dwelling with additional foul water flows managed through a private 'package treatment plant' and soakaway drainage field located within the curtilage of the proposed new dwelling.*
- The professional drainage reports supplied indicate that a suitable private system with suitably sized soakaway drainage field can be achieved at this location.*
- All additional surface water can be managed through relevant on-site Sustainable Drainage Systems*

- *The Private (small) foul water management risk mapping provided by Natural England to the LPA (under restricted access data licensing) advises that the development is located in an area within the lowest risk category (in respect of groundwater levels, slope, proximity to protected sites and recorded watercourses)*
- *The council's drainage consultants have reviewed the foul and surface water management scheme proposal and have returned a 'no objection' response.*
- *This development is within the 'English' Lower Wye catchment of the Wye SAC.*
- *Natural England have not currently advised this LPA that this catchment area is failing its conservation status.*
- *Any additional nutrient loading on Wye SAC can if necessary be accommodated within the nutrient allowance currently secured through the Core Strategy housing allocation – as monitored and managed by the council's forward planning team.*
- *Any scheme installed and operated in support of the development will be subject to future controls and enforcement by other competent authorities under regulations outside the control or remit of the local planning authority.*

From all professional information supplied the LPA ecology have no reason to consider that a suitable foul and surface water drainage system cannot be achieved at this location.

Subject to a 'no objection' response from Natural England to the appropriate assessment completed by the LPA - suggested conditions on any planning permission granted:

Habitat Regulations (River Wye SAC) – Foul Water

Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission shall discharge through connection to a new private foul water system (Package Treatment Plant) discharging to a soakaway drainage field located on land under the applicant's control.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

Habitat Regulations (River Wye SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite Sustainable Drainage Schemes located on land under the applicant's control.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

Additional ecology comments.

The preliminary ecological appraisal by Wyedean Ecology dated 27 July 2020 is noted and refers.

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. There are relevant species records within the wider locality. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning process. However a relevant information note is requested:

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

In support of NPPF, Core Strategy and declared Climate and Ecological Emergency and as supported by wider national strategy and regulations all developments should provide a clear and sustainable biodiversity net gain for the lifetime of the development. A condition to require a comprehensive Biodiversity Net Gain enhancement plan to be approved prior to any construction above damp proof course that is based on final plans and designs approved is requested.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of ‘fixed’ habitat features such as habitat boxes supporting a range of bird species, bat roosting features, hedgehog homes, ‘hedgehog highways’ and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

The site is in an area with an intrinsically dark that benefits local amenity and nature conservation, including nocturnal protected species known to be present/roosting in the adjacent buildings. Any significant or additional permanent additional illumination could impact the foraging and commuting of this local bat population. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested:

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting except low power, ‘warm’ LED lighting in directional down-lighter luminaires, on motion operated and time-limited switches directly required in relation to the immediate safe use of the approved holiday accommodation be installed or operated 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 local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

The supplied information and ecology report advises that no existing hedgerows are to be removed or impacted (except normal good husbandry) as part of the development process. A

standard condition to secure that no hedgerows shall be removed without the prior approval of the LPA and that all existing hedgerows will be subject to suitable root protection areas (minimum 1m from edge of dripline) for the duration of all construction works is requested.

4.2.3 PROW – no objection

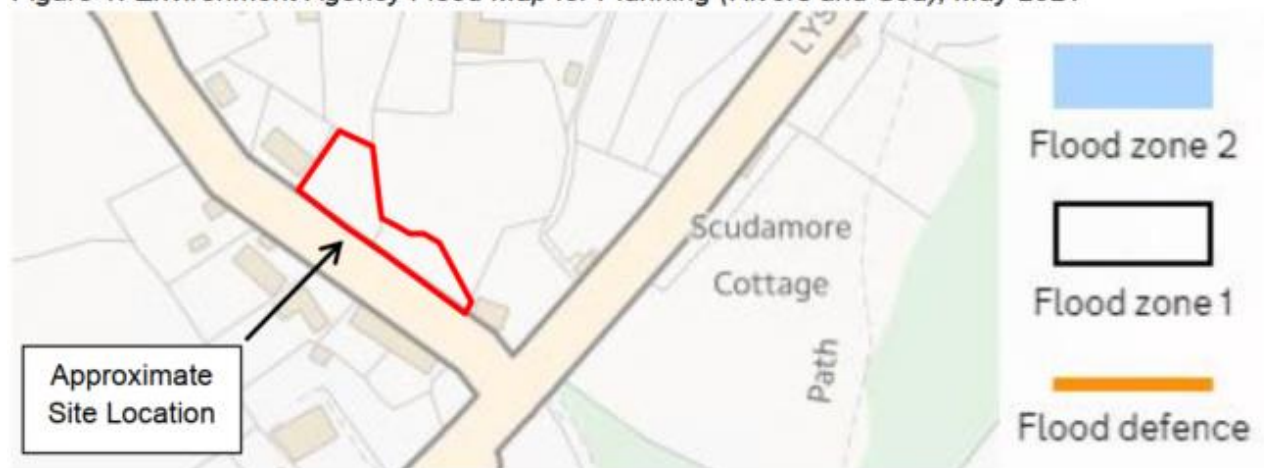
4.2.4 Land Drainage – no objection (latest comment)

Previous comments available at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211049&search-term=211049

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2021



Overview of the Proposal

The Applicant proposes the construction of a two-storey dormer style bungalow with associated detached garage building, new drive and alterations to access.

The site covers an area of approx. 0.3 ha and is currently landscaped area associated with The Homelands.

The topography of the site slopes down to the south east

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.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1.

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

Surface Water Flood Risk

Review of the EA’s Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations

As the topography in the area is steeply sloping, there may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. A Finished Floor Level of 200.575mAOD is proposed. As an additional mitigation measure, the Applicant has confirmed that ground levels adjacent to the proposed two rear doors of the dwelling will be reprofiled to achieve a minimum 200mm threshold.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The Applicant has provided details on how surface water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). A 13m x 1m x 0.8m soakaway is proposed to discharge roof surface water runoff located 5 m from building foundations. The soakaway has been sized based on a lowest recorded acceptable infiltration rate of 1x10⁻⁵ mm/hr, with invert levels and pipe diameters also detailed.

Foul Water Drainage

The Applicant has provided details on how foul water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). As there is no foul public sewer within 30m of the proposed development site, a package treatment plant with discharge to a drainage field is proposed.

It is noted that the size of drainage field has been sized based on an occupancy of 6 and an acceptable Vp rate of 26.1 sec/mm.

Whilst we have some concerns about the siting of the proposed drainage field, due a risk of ice forming on the highway as result of groundwater seepage, no groundwater was observed in the trial pits. We note the proposals to install the drainage field within fractured sandstone.

We are in receipt of a site plan showing 5 crosses which suggest that 5 test pits were excavated. The test results show TP1, TP3, TP4 only. If there are two more test pit results, then we request that the results of these are presented. The Applicant has confirmed that only the 3 were tested as the ground makeup does not vary across the site.

We note the concerns about high groundwater levels in The Trees site, which is uphill of the proposed development site and drainage field. There needs to be clear evidence on file regarding the location of the three successful test pits. The Applicant has confirmed that high groundwater levels were not observed in any of the trial pits. They comment that the adjacent Trees site does not experience high groundwater levels as they also undertook the drainage design for that site.

Overall Comment

We have no objections to the proposed development.

We highlight to the Applicant the following informative:

- Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

5. Representations

5.1 Orcop Parish Council – objection

Orcop Parish Council discussed planning consultation 211049 last night and strongly object to the proposed dwelling on the following grounds:

- a) Unlike the previous application (172896) which proposed a single-storey dwelling (bungalow) the latest plans are for a 185m², two storey, 4 bed house on an elevated lane-side plot. A building of this size will be totally out of keeping with neighbouring properties (bungalows) and its elevation and close distance to neighbouring homes will overlook other properties.
- b) By linking the proposed dwelling with the adjacent 3 property development to the north of the site is disingenuous as it is clear that low rise dwellings are the primary feature in this part of Orcop Hill.
- c) The Parish Council considers that there is no local requirement for large, detached homes in this area.
- d) Concern over the impact on drainage systems is key as the storm water soakaway and drainage field are below lane level suggesting they will be below water table level in wetter months, preventing operation due to flooding.
- e) The site was stripped and levelled before an ecology survey was completed. There are hedgehogs and Greater Crested Newts in the vicinity

5.2 Adj. Much Dewchurch Parish Council – no objection

MDPC has no objection to this application

5.3 Public Representations

Objections
(20 letters of objection from 16 individuals)

Principal:	<ul style="list-style-type: none"> - <i>No local requirement for housing</i> - <i>Local Housing Needs Survey confirmed no local requirement for 4 bed detached dwelling</i> - <i>No social, environmental or economic benefits to local community</i> - <i>2-3 bedroom bungalow preferred</i>
Character:	<ul style="list-style-type: none"> - <i>Proposes 182m² four bedroom dwelling larger than adjacent development and larger than previous permission</i> - <i>Overbearing to the lane and detract from character of Orcop Hill</i> - <i>No in keeping with dwellings on North side of Wilkes Row Lane</i> - <i>Wooden cladding not in keeping</i> - <i>For 40 years the LPA has sought to reinforce the low rise development and character of Orcop Hill, especially on the high side of Wilkes Row</i>
Scale:	<ul style="list-style-type: none"> - <i>Supersedes previous outline permission for 120m² bungalow dwelling</i> - <i>Previous application refused on potential impact on amenity of dwellings opposite</i> - <i>Unfair to new residents at adjacent site as bought on the assumption there would be a bungalow</i> - <i>Overdevelopment for the size of the site</i> - <i>Greater bulk and scale than surrounding dwellings due to height and width, fails to accord with CS SD1 and LD1</i> - <i>Height accentuated as ground falls away into the depression that forms the Copywell Spring area</i> - <i>Comparison with other local properties is misleading as they are bungalows/dormer bungalows</i>
Highways:	<ul style="list-style-type: none"> - <i>Additional traffic onto narrow lanes where problem with heavy vehicles already exists</i>

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

	- Is a garage to be squeezed onto the site?
Amenity:	<ul style="list-style-type: none"> - Overlook immediate neighbours opposite the site due to change in levels - Loss of light, privacy and overbearing in nature to dwelling to the rear - Fill the building plot and therefore have a greater impact on neighbours - Holy tree has been removed therefore increasing potential for overlooking - Loss of daylight for surrounding dwellings - Scheme previously refused on amenity grounds, subsequent approval was acceptable only as a bungalow
Landscaping:	- Large holly tree indicated on plans has been removed
Drainage:	<ul style="list-style-type: none"> - Permeable driveway will still direct additional flows in heavy rain to an area prone to flash flooding - Adjacent site did not provide required channels - Infiltration features could be below ground water level - Adjacent site suffered from failed system as a result of high ground water level - Adjacent site experiencing issues with drainage infrastructure - Method of infiltration rate testing incorrect - Method of identifying ground water level incorrect or absent - Storm water soakaway could cause an issue for the neighbours and stability of the retaining wall to the lane side - Existing lane side ditch has become overgrown - Already 3 sewage treatment plants in close proximity causing foul odours - No indication of where test holes were conducted - Drainage field pipes show separation of 1.9m rather than 2m - Drainage field too close to permeable driveway - Undersized soakaway area - Lack of information or incorrect testing methods contrary to SD3 and SD4 - Surface water flooding issues locally, especially along Wilkes Row Lane - Change to FFL requested could worsen surface water flooding elsewhere - Within 50m of The Copywell
HRA:	- Draft NDP will likely include 5 criteria for development to demonstrate nutrient neutrality which should be applied to this scheme
Ecology:	<ul style="list-style-type: none"> - The site was stripped and levelled before Ecology survey - No date of when survey was undertaken - Hedgehogs and Great Crested Newts in the vicinity
Procedural	- Additional information not posted to the website
Conditions:	<ul style="list-style-type: none"> - Conditions should be used to retain Yew tree as the last remaining tree on the site - Restrict ability to build a garage in the future

5.4 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=211049&search-term=211049

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

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

Policy context and principle of development

6.1 The 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.”

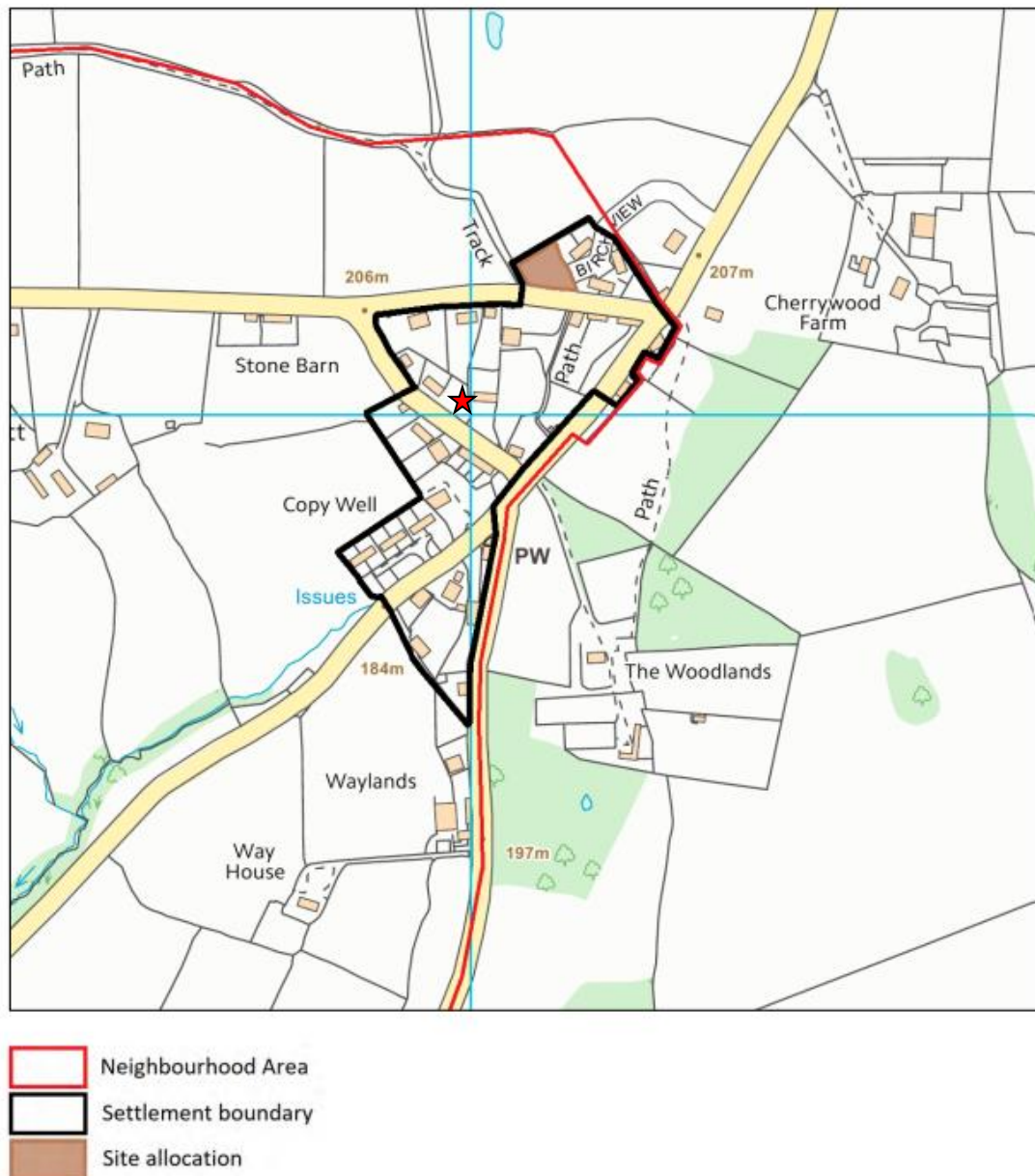
6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial 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 published a draft Neighbourhood Development Plan (dONDP) for Regulation 14 consultation completing on the 31st January 2022. Considering the criteria set out at paragraph 48 of the NPPF: the plan is at an early stage of development and has not undergone independent examination, it is unclear whether there are unresolved objections at present as an updated plan has not been publishing following the initial Reg 14 consultation, no independent examination has occurred with regards to the consistency to the NPPF. Overall given the stage of develop that the draft plan is at it is Officer’s opinion that only limited weight should be attributed to the dONDP.

6.4 The National Planning Policy Framework 2021 is a significant material consideration, but does not hold the statutory presumption of a development plan.

6.5 Orcop Hill is within the Ross-on-Wye HMA, which is identified for an indicative housing growth of 14% via Policy RA1 of the CS. It is listed as a ‘settlement which will be the main focus of proportionate housing development’. The dONDP contains the latest housing delivery figures for the Parish and states that against a minimum growth target of 26 dwellings 5 have been completed and a further 4 with planning permission (up to April 2021). This leaves a residual requirement of 17 dwellings. Notably the dONDP does not propose allocations or commitments to fully meet this undersupply which would remain at 5 dwellings short of the target 26.

6.6 Firstly with regards to the acceptability of the principle of residential development in this location it must be determined whether the site lies within or adjacent to the main built form of the settlement. Until settlement boundaries are defined, either through Neighbourhood Development Plans (NDP) or a Rural Areas Site Allocations DPD, the CS advises that schemes should be assessed against the relationship to the main built form of the settlement. The dONDP does outline a settlement boundary which is illustrated on the below plan with the application site marked by the red star:



6.7 Taking account of the above map, which is illustrative of the sites location and relationship with the main built-up part of Orcop Hill, it is clear that the site lies within the main built up area of the settlement, surrounded by existing residential development. In locational terms the proposed site is therefore appropriate for residential development and the principle of development accords with policy RA2 of the CS and policy ORC8 of the dONDP.

Design and visual impact

6.8 Both policies RA2 (CS) and ORC8 (dONDP) are underpinned by policies SD1 and LD1 of the CS and ORC1 and ORC4 of the dONDP, respectively. These policies require development proposals to demonstrate that features such as scale and layout have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements.

6.9 The NPPF 2021 has also raised design standards, paragraph 127 is explicit that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

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

- 6.10 Orcop Hill has a relatively dense layout with predominantly wayside dwellings facing onto the public highway. There is more recent backland development close to the application site, at The Trees. Houses are typically small in scale and mostly present detached and semi-detached forms. In regards to the local material pallet a number of traditional dwellings being constructed of local stone, many of which have been painted white. However, materials vary across the settlement and there are instances of facing brickwork and more modern examples of render.
- 6.11 The application site, being within the main built up area of the settlement, adjoins existing residential development. While infill development has occurred to the rear of the site the application site is a clear visual break between Homelands and Copywell Cottage and owing to the elevated nature of the site, above the road, it is a sensitive site for the character of the village but not in regards to the wider landscape. The proposed development of the application site would present as a continuation of the wayside development pattern that is predominant in the village and therefore Officer's do not find the principle of residential development to be harmful to local character.
- 6.12 The majority of public representations received in objection to the application raise concern with the scale of the dwelling and its impact upon the character of the village. The proposed dwelling maintains the established building line of the adjacent Homelands and is well set back from the highway edge which will reduce the visual intrusion into the public realm. In addition there is a mature boundary to the roadside such that when approaching from the north west only limited views of the dwelling would be possible. When approaching from the south east the dwelling would benefit less from existing screening and due to the topography of the land would appear higher up in the visual field. However, the proposed dwelling would be seen in the context of the recently completed development to the rear of the site at The Trees and in this context would have a lower ridge height and a smaller overall massing than those dwellings built. In addition the proposed landscaping plan includes new native hedgerow for the remainder of the roadside boundary and the inclusion of trees set behind the hedge. Together these would filter views of the dwelling and reduce its impact upon the character of the area.
- 6.13 The proposed half dormer design ensures that both the eaves and ridge heights are relatively low and are proposed at less than 1m above that of the adjacent single storey bungalow at Homelands. This is illustrated in the proposed sections of the site and surrounds. This is shown on the below extract from the proposed site sections:



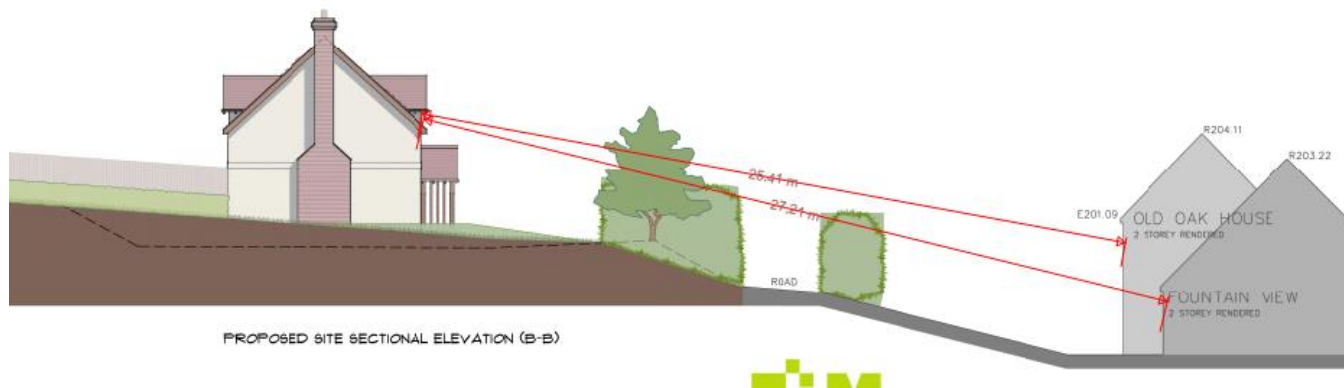
- 6.14 The policies contained within the CS nor dONDP do not seek to enforce strict design codes or guides and instead refer to maintaining local distinctiveness through the incorporation of architectural detailing and appropriate materials. The design and chosen material pallet is similar to that approved on the adjacent Trees development under P181664/RM. While Members should be aware of a number of objections that would prefer to see a more traditional material pallet and scale, akin to the more historic dwellings in the village it is Officer's assessment that the proposed

dwelling is not uncharacteristic of local vernacular and therefore responds to the characteristics of both the sites and surrounding townscape in accordance with the policy requirements.

- 6.15 Given the above it is Officer's opinion that the siting, scale and nature of the development has been positively influenced by the surrounding townscape and landscape, which includes modern development surrounding the site, and is, therefore, in accordance with the relevant policies cited above.

Residential amenity

- 6.16 Policy SD1 of the CS states that 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.
- 6.17 Given the topography of the site and the surrounding land the dwelling will be elevated above both the public highway and the dwellings on the opposite side of the highway. This is clearly shown in the proposed cross-section, copied below for reference:



- 6.18 This difference in elevation creates the potential for adverse amenity impacts as a result of overlooking. The first floor windows of the proposed dwelling will be visible above the boundary hedgerow but the hedgerow and proposed trees will go some way to screening the proposed dwelling such that views will be filtered. The separation distance to both Old Oak House and Fountain View is in excess of 25m and 27m respectively (see annotations above) and this is front-to-front separation distance. In planning terms the front of a dwelling is considered to be semi-private space as it interacts with the public space and therefore is less sensitive to privacy concerns; as walkers on the public highway would gain similar views into the neighbouring sites. Furthermore both Old Oak House and Fountain View are set behind outbuildings and mature front boundary hedges, such that inter-visibility will be greatly reduced. Overall, it is Officer's assessment that the proposed dwelling would have a negligible impact upon the privacy and residential amenity of the dwellings opposite the site.
- 6.19 Further south east on the Village Link Road is Wilkes Row a string of 4 semi-detached dwellings. Closest to the application site is #4 and #3. These dwellings are closer to the roadside and do not benefit from significant screening or landscaping to the front, like the adjacent dwellings assessed above. They will be located some 15-18m from the proposed dwelling, respectively. However, views to and from the application site will be at an acute angle such that there will be only a limited visual connection between the dwellings.
- 6.20 To the rear of the site is #1 The Trees this dwelling is above the application site and facing south east therefore presenting its side elevation to the application site. This elevation of #1 The Trees is the garage with no living accommodation. Set behind the garage is the main dwelling which has no first floor windows in its side elevation, there is a ground floor window serving the kitchen,

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

which appears to be a secondary window. While the proposed dwelling will be visible from this window it is not considered that it would result in unacceptable impacts upon the residential amenity of the existing residents. Neither will it impinge upon the privacy of the proposed residents to such a degree that conflict with CS SD1 is identified – given the separation distance, intervening landscaping, screening afforded by the garage at #1 and the change in elevation.

- 6.21 The proposed dwelling aligns with Homelands to the north west of the site and proposes no windows in the side elevation such that it is not expected to adversely affect the amenity of these residents.
- 6.22 While Officer's are acutely aware of the concerns of the local community and Parish Council on this matter the proposed dwelling has, in Officer's view, been appropriately designed and sited such that it will not lead to unacceptable impacts upon the residential amenity of existing residents. Furthermore, as shown on the landscaping plan, the proposed site layout will provide sufficient private amenity space for the proposed residents.
- 6.23 Members should be aware of the site history which includes a refusal of outline permission for the erection of a single dwelling and the subsequent approval of outline permission for the erection of a single dwelling. While each application must be assessed on its own merits given they relate to the application site, contain similar schemes and were considered under the current CS they are material considerations in this instance as it is well established that similar applications should be dealt with in similar ways.
- 6.24 Application P171722/O was refused for the following reason:

"In the absence of a detailed design and layout and having regard to the constrained nature of the site, the local planning authority cannot properly consider the impact of the proposal upon the residential amenity of neighbouring occupiers. Having regard to the potentially significant privacy impacts the proposal is considered to be contrary to Policy SD1 of the Herefordshire Local Plan Core Strategy and the guidance provided by the National Planning Policy Framework."

- 6.25 The proposal before members includes full details of the design and layout, unlike the refused outline application, and therefore it has been possible to make the necessary assessment of the impact upon the character of the area and upon the residential amenity of neighbouring sites. In addition and of note the subsequent application approved under P172896/O was again an outline application with all matters reserved and no restrictions were placed on the outline such that a two storey dwelling could have been forthcoming, the plans approved were indicative only.

Highways and transport

- 6.26 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.
- 6.27 The proposed vehicular access to the site utilises the existing shared access to The Trees. This arrangement has been reviewed by the Local Highways Authority Engineer who confirmed that it was an acceptable arrangement that would not lead to an impact upon highway safety.
- 6.28 The proposed site layout provides for parking for 3 vehicles and turning on site so that cars can enter and exit in a forward gear. The level of parking accords with the scale of the dwelling and no objection was received from the Highways Engineer on this matter.

- 6.29 There is some conflict between the proposed site plan and landscaping plan in how bicycle storage will be provided on site however this is a matter that could be secured by condition, see recommended condition 7.

Climate change

- 6.30 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.
- 6.31 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 110 that LPA's 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 112 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.
- 6.32 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 electric vehicle charging points is recommended to require such provisions are available for future residents.
- 6.33 The agent has submitted a completed Climate Change checklist which states that a number of measures listed within the checklist will be provided this includes air source heat pump and electric vehicle charging point. In addition matters of orientation and thermal efficiency have been considered.

Drainage

- 6.34 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).
- 6.35 With regards to foul water this is supported by the emerging dONDP at Policy ORC5. This policy seeks to ensure all planning applications include full drainage details, assessment of likely ground conditions, water table including the seasonal variations, testing to demonstrate infiltration is

viable, details of off-site works, proposed management and maintenance arrangements and a demonstration that there will be no loss of residential amenity as a result of noise, odour and drainage conditions.

6.36 With regards to surface water drainage the above is supported by policy ORC6 which states:

“Development proposals should provide a surface water management strategy to accompany outline or full planning applications to demonstrate effective surface water drainage and the management of flood risk. In doing so, full use should be made of sustainable drainage systems. Designs should maximise the retention of surface water within the curtilage of the development site and minimise runoff. There should be no increase in runoff or flood risk affecting neighbouring land and property and wherever possible betterment should be achieved through a reduction in runoff rate and volumes.”

6.37 The application proposes to discharge foul waste to an onsite private treatment plant with final outfall to an onsite drainage field. The proposal has been supported by infiltration testing in three locations across the site. The results and subsequent drainage arrangements have been reviewed by the Council’s consultant Land Drainage Engineers at BBLP who have raised no objection to the proposed scheme. The proposed foul drainage arrangements are considered to accord with SD4. The submitted drainage plan does not appear to identify seasonal variations in the ground water level as required under ORC5 however BBLP were satisfied that given no ground water was identified when trial pits were dug that the scheme is viable. As such there appears to be a slight conflict with Policy ORC5, although it is not considered to result in the drainage infrastructure being undeliverable. Given only limited weight can be attributed to the dONDP this is not considered to undermine the drainage strategy but will feed into the planning balance.

6.38 The proposed surface water arrangements is to discharge impermeable areas of the site to a soakaway crate located within the application site. This accords with SD3 and ORC6 and will prevent an increase in the surface water run-off from the site compared to pre-development levels. The proposed driveway is of a permeable construction such that surface water will infiltrate on site.

6.39 BBLP have recommended that the proposed rear access to the dwelling includes a 200mm threshold due to the sloping nature of the site and the potential for the overland flow of water from above. This is indicated on the proposed plans and accords with their recommendations.

Habitat regulations assessment

6.40 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 and 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, such that the AA concluded there would be no likely adverse impacts upon the integrity of the River Wye SAC. The HRA AA has been submitted to Natural England who have returned a no objection response.

Ecology

6.41 Section 40 of the Natural Environment and Rural Communities 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.

- 6.42 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.
- 6.43 The application is supported by a Preliminary Ecological Appraisal undertaken by Wydean Ecology dated 27 July 2020. This has been reviewed, along with details of the site and relevant ecological records by the Council's Ecologist. The Ecologist has stated there are no immediate ecology related concerns and that the PEA is relevant and suitable for the proposed development. The developer will be reminded of their own legal duty of care for wildlife.
- 6.44 Conditions have been recommended by the Ecologist to gain biodiversity net gain enhancements across the site, ensure that external lighting is strictly controlled and secure protection for the existing hedgerows on the site. All of these form part of Officer's recommendation.

Housing mix

- 6.45 Policy H3 of the Core Strategy states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The Herefordshire Local Housing Market Assessment (available on the Council website) details the affordable and open housing market requirements across the County. The market housing required within the Ross Housing Market Area (and more specifically for 'Ross Rural' where the site lies) can be found below:

Table 12.11 Ross-on-Wye HMA Recommend Housing Mix by Tenure by Size

		1 Bedroom	2 Bedrooms	3 Bedrooms	4+Bedrooms
Urban	Market	5%	30%	50%	15%
	Affordable home ownership	25%	35%	35%	5%
	Affordable rented housing	40%	30%	25%	5%
Rural	Market	5%	25%	50%	20%
	Affordable home ownership	20%	35%	35%	10%
	Affordable rented housing	35%	30%	30%	5%
HMA	Market	5%	25%	50%	20%
	Affordable home ownership	20%	40%	35%	5%
	Affordable rented housing	40%	30%	25%	5%

Source: Housing Market Model and Modelled Outputs, Appendix A

- 6.46 Contained in the dONDP is policy ORC9 which is a positively worded policy seeking to support the provision of housing that positively contributes to the meeting of the latest assessment of housing need with a particular focus on smaller properties.
- 6.47 Given the proposal is only for a single dwelling neither H3 nor ORC9 restrict the development of 4 bedroom dwellings and there is an identified need for such dwellings (20%). Overall given the positively worded nature of these policies Officer's do not identify conflict.

Conclusion and balance

- 6.48 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national

guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means “approving development proposals that accord with an up-to-date development plan without delay”. Although paragraph 12 affirms 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. At this time the Development Plan comprises the CS. The proposed development is considered to accord with the Development Plan, as set out above, this is because the application site is located within an identified settlement that is to be the main focus of residential development during the plan period. The dONDP is a material consideration but can only be attributed limited weight, as set out above. The scheme is considered to accord with the spatial strategy for residential development set out in the dONDP.

- 6.49 The planning balance is typically assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives.
- 6.50 In regards to benefits the proposal would contribute to local housing supply at a time when the Parish is struggling to achieve the minimum growth target set out by the Core Strategy. There are several impediments locally to residential development including soil conditions preventing infiltration on nearby sites such as adj. to Newcastle Farm. The provision of a windfall site will therefore make a positive impact on the housing provision in the Parish and work to correct the local undersupply identified in the dONDP.
- 6.51 The proposed dwelling would have benefits in both the economic and social objectives; as there would be support to the local economy during the construction phase, as a result of the new homes bonus and through the spend of proposed residents; and in regards to the social objective as it is of a scale that can support the growth of the local community, supporting social infrastructure.
- 6.52 The proposal includes the planting of additional native hedgerow and trees across areas of the site which would derive some positives in the environmental sphere. In addition a condition is recommended to secure biodiversity net-gain enhancements on the application site such that the proposed development would not lead to adverse impacts in regards to the environmental objective of the planning system
- 6.53 Overall taking the benefits of the proposed scheme Officers consider these to cumulatively be moderate, given the limited scale of the development but paying regard to the difficulty of providing land for residential development in the Parish, as expressed in the proposed undersupply in the dONDP.
- 6.54 Officer’s assessment of the proposed development has not identified adverse impacts that to outweigh the above benefits or that indicate that a decision should be made other than in accordance with the development plan. It is therefore Officers recommendation that planning permission be granted subject to the below conditions.

RECOMMENDATION

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

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 7525-10B, 7525-09A, 20-01-02 01 B and 105.0) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies ORC1 and ORC4 of the draft Orcop Neighbourhood development Plan and the National Planning Policy Framework.

3. Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of ‘fixed’ habitat features such as habitat boxes supporting a range of bird species, bat roosting features, hedgehog homes, ‘hedgehog highways’ and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

4. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

5. With the exception of site clearance development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

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

6. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

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

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

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

8. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

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

9. All planting, seeding or turf laying in the approved landscaping scheme (Garden Design 105.0) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy ORC1 and ORC4 of the draft Orcop Neighbourhood Development Plan and the National Planning Policy Framework

10. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy ORC1 and ORC4 of the draft Orcop Neighbourhood Development Plan and the National Planning Policy Framework

11. At no time shall any external lighting except low power, ‘warm’ LED lighting in directional down-lighter luminaires, on motion operated and time-limited switches directly required in relation to the immediate safe use of the approved holiday

accommodation be installed or operated 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 local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

12. Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite Sustainable Drainage Schemes located on land under the applicant's control and no surface water shall be allowed to exit the site onto the public highway.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

13. Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission shall discharge through connection to a new private foul water system (Package Treatment Plant) discharging to a soakaway drainage field located on land under the applicant's control. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

14. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining properties and to retain adequate control over construction on a visually sensitive site and to comply with Policies SD1, LD1, MT1 and H3 of the Herefordshire Local Plan – Core Strategy, Policies ORC1, ORC4 and ORC9 of the draft Orcop Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

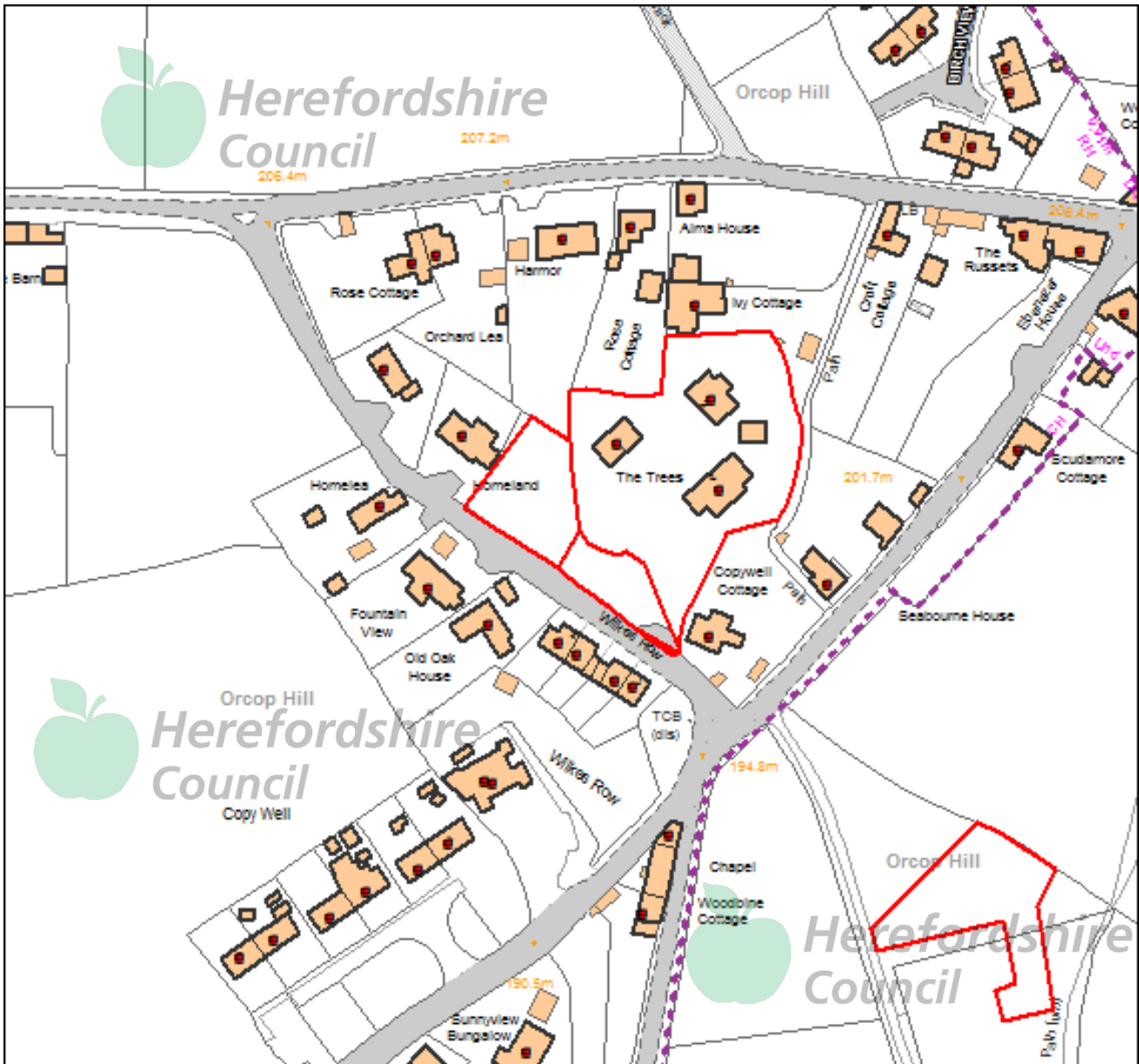
- 1. IP2 – Positive and proactive working following amendments**
- 2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 211049

SITE ADDRESS : SITE ADJACENT TO HOMELANDS, ORCOP, HEREFORDSHIRE, HR2 8SD

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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:	16 March 2022
TITLE OF REPORT:	<p>212357 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 182818 - SITE FOR THE ERECTION OF TWO COTTAGES WITH GARAGING. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT FIELD WEST OF OLDHALL HOUSE, VELDO LANE, WITHINGTON, HEREFORDSHIRE, HR1 3QA</p> <p>For: Mrs Watson per Mr Stephen Vaughan, The Heathers, 74 Ross Road, Hereford, Herefordshire, HR2 7RL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212357&search-term=212357
Reason Application submitted to Committee – Redirection	

Date Received: 14 June 2021

Ward: Hagley

Grid Ref: 356351,243417

Expiry Date: 9 August 2021

Local Members: Cllr Paul Andrews

1. Site Description and Proposal

- 1.1 The site comprises part of a field located between Veldo Lane (privately owned and a PROW) and the C1129 (in part Duke Street) in Withington. It lies to the west of Oldhall House and is roughly rectangular in area. The 0.17 hectare site has a hedgerow to the lane and is open to all other aspects. Levels slope gradually down to the north before becoming steeper to the north and northeast.
- 1.2 To the south, beyond Veldo Lane, lies 20th century development at Vine Tree Close and to the east there are residential properties, including immediately to the east two dwellings built on the former village hall site, a modern infill and the converted former primary school (four units). To the north of the old school lies 'The Mintons' and two new build properties. To the west lies the site subject of a dismissed appeal for the erection of two dwellings (ref: 190008/O). To the north, approximately 100m across the field lies ribbon development along the southern side and facing Duke Street. The western boundary of the Withington Conservation Area runs alongside the western side of the C1129 and encompasses 'The Mintons', the Old School Cottages and the properties on the northern side of Veldo Lane, but excludes the site (distance from CA boundary is approximately 14m).
- 1.3 Outline permission, with access and layout included, was granted under application ref: 182818/O for the erection of two dwellings upon the site. The description of development was 'two cottages with garaging and a new access and associated works' and as set out in the Officers Delegated Report for 182818/O the reference to cottages was taken to mean dwellings, presumably because

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

there is no statutory definition of a cottage nor one contained within the NPPF or development plan.

- 1.4 The current application seeks to resolve the remaining reserved matters of appearance, scale and landscaping. The proposed dwellings are of a half dormer design with accommodation set out over two floors. Both dwellings are of the same design and include substantial living accommodation, including a home office and integral garage on the ground floor each with three bedrooms, two en-suites and a family bathroom on the first floor.

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:-

<https://www.herefordshire.gov.uk/local-plan-1>

2.2 Herefordshire Local Plan – Core Strategy Policies

- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- 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
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

2.3 Withington Group Neighbourhood Development Plan

- Policy P4 - Local Distinctiveness - Housing Layout and Design
- Policy P6 - Transport and Traffic
- Policy P7 - Conserving Historic Character

2.4 National Planning Policy Framework 2021 (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- 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

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.

3. Planning History

P182818/O - Site for the erection of two cottages with garaging. Construction of new vehicular access and associated works – Approved

P204168/F - Proposed new dwelling and garage, referencing outline permission 182818 – Refused

P214331/RM - Application for approval of reserved matters following outline approval 182818. (Site for the erection of two cottages with garaging. Construction of new vehicular access and associated works) – Undetermined

Adjacent:

112014/F - Proposed single storey extension & Change of use of land to domestic garden – Approved

P190008/O - Outline application for two dwellings with garaging with new vehicular access and associated works – Dismissed at appeal

Eastern section of wider field

174487/F - Proposed erection of two cottages and garaging. Construction of associated works and modification of existing vehicular access – Allowed at appeal

Southwest of the site:

150067/O & 180014/RM – The Coppice – The development proposed is the erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of No 5 Vine Tree Close - Approved

4. Consultation Summary

4.1 Statutory Consultations

Welsh Water

We acknowledge this application is for the approval of reserved matters of the original planning consent (ref: 182818) that established the principle of the development. We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

We note a comprehensive drainage scheme 'Proposed Site Layout' (Drawing No. 02) showing foul to discharge to the main sewer and surface water to a series of soakaways, and we offer no objections to this. We can advise that Eign WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority.

4.2 Internal Council Consultations

4.2.1 Area Engineer Team Leader:

The local highway authority has no objection to the application subject to the below condition.

Conditions: CAB (2.m x 25m)

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>

4.2.2 Land Drainage (latest comments):

Overview of the Proposal

The Applicant proposes the construction of 2 dwellings. The site covers an area of approx. 0.17ha and is currently a Greenfield site. There are no mapped watercourses or ditches within close proximity to this site.

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.

As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding, however, there appears to be a natural flow path of water through the western section of the site. The Applicant should demonstrate how the risk of ingress will be mitigated. It is noted that the FFL of each dwelling has been shown on the Amended Proposed Site Layout (Ref: 02), as 74.550mAOD, which is at least 225mm above existing ground levels.

Other Considerations and Sources of Flood Risk

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Infiltration testing at the site produced an acceptable rate of 1.21×10^{-5} and confirmed that discharge of surface water to ground is viable. Four soakaways are proposed for each plot. It is understood that the driveways slope away from the highway, it has been confirmed that the driveways will comprise of gravel. We accept that there are no implications to having a soakaway located beneath a private gravel driveway.

Foul Water Drainage

It is acknowledged that the Applicant proposes to connect to the public foul water sewer within Veldo Lane. We note that Welsh Water have been consulted and do not have any objections to the proposed foul water drainage connection.

Overall Comment

We have no objections to the proposed development.

4.2.3 PROW

The applicant will need to ensure they have lawful authority to drive over public footpath WT10

5. Representations

5.1 Withington Group Parish Council (WGPC)

27th July 2021:

Reserved matters under 182818. Veldo Lane, Withington Objection to proposed dwellings.

1. *The application site does not correspond to the outline permission. The inclusion of Veldo lane to its junction with Duke Street is an additional area which had it been included in the outline application could have had conditions applied. No conditions can be applied in respect of sightlines, protection of the protected large oak tree outside Old Hall House, and in respect of surface treatment and maintenance, as the reserved matters do not include access. If the new application boundary is accepted, it is also in the Withington Conservation Area and the impact of the development on the conservation area and on the listed buildings abutting the lane must be assessed as to whether the proposal preserves or enhances the character. The application should be registered as a new planning application and current planning policies applied to its determination.*
2. *In order to fully assess the impact of the proposal on the landscape and conservation area cross sections through both the north south axis and east west axis are required. There are no comparative ridge height measurements, with only Old Hall House showing a roof level of 82.34 mts. asl.*
3. *Notwithstanding the above there are serious misgivings about the design relating to the scale of the dwellings and the proposed materials. There are references to the dwellings currently under construction adjacent to The Mintons on Duke Street which initially were described as 'cottages' but the later increase in the ridge height clearly removes the 'cottage' meaning. The applicant refers to the 'modest scale' of that development and implies the present proposals will be similar. It may however be argued this nearly completed development on Duke Street has totally altered the character of the approach to the conservation area and has failed to preserve or enhance that character both with the height of the dwellings and the choice of materials. The illustrative drawings with the outline application clearly indicate relatively small country cottages similar in depth to Old Hall House and in width to those initially proposed adjacent to The Mintons. The proposed dwellings are much larger and with a shallower roof pitch due to their depth. This conflicts with the argument put forward for increasing the height of the Duke Street dwellings. The proposals will also cover a substantial area of the two plots and be totally out of character in the approach to the conservation area which should be a gentle transition from open countryside to small historic rural settlement.*
4. *The proposed dwellings are too high and will have a detrimental impact on the overall environment of Veldo Lane, impacting on the skyline from many viewpoints. There has been no recognition of the need to protect the ridge line from intrusive development as was acknowledged by the applicant when the extension development of Vine Tree Close was proposed. Both this development and the original Vine Tee Close have bungalows on their northern edges which have minimal impact on the surrounding countryside.*
5. *The dwellings will also dominate the adjoining Old Hall House which as represented by the applicant's drawings is much smaller in footprint. The ridge line of the proposed dwellings should be significantly lower than Old Hall House.*
6. *The reason to not develop 1 and a 1/2 storey houses is spurious as the design clearly aims to cover as much of the plot as possible with a large reception/hall area, double sitting rooms and kitchen/diner and dining room. On the first floor there are dressing rooms and ensuite bathrooms which clearly are contrary to the advice given by Mr Wager in his response to Mr Baker's application (204168) in December 2020. To argue that the population is taller and cannot live in houses with internal sloping ceilings is not sustainable.*
7. *There is a lack of any impact assessment with the application both in terms of planning, conservation area, listed buildings and traffic (this element is relevant if the application is accepted with an extended boundary). It has already been accepted that the sight line to*

the north, exiting Veldo Lane is substandard, and the lack of ownership control of Veldo Lane resulted in the inspector on the appeal on the adjoining land (applic. 180008) refusing the proposal for a further two dwellings.

8. *As the outline planning application did not have a connection to a public highway it should not have been registered nor determined. It is not acceptable to amend the boundary by the use of a reserved matters application. A new full application should be requested, and the views expressed by Mr Wager in his email of Dec 2020 should be considered. Clearly the original objection by the conservation officers, dismissed by the planning officer, should be given considerable weight in the light of the appeal decision on the adjoining land.*

It is requested that all the above points are addressed, and the legal position ascertained before the application is determined. If the consideration is only on the basis of the reserved matters then it is requested that the application be refused as being detrimental to the character of the area due to the scale of the dwellings on the ridgeline and having serious impact on the approach to the conservation area, and on the historic nature of Veldo Lane. The application details are contrary to policies RA2(3), LD1, LD4 of the Local Plan, and P4e and P7 of the Withington Group Neighbourhood Plan.

Following amended plans 19th November 2021:

*The WGPC objections previously submitted still stand.
Additional objections to amended plans*

Height of proposed houses – still too high - despite reduction in roof levels on drawings. It is noted that the floor levels have been raised following advice on drainage The ridge line is stated as being 81.825 but if correct ffl had been used it would be at 82.050. The figures need checking. Full cross sections through and across the site are therefore required. The agents' reference to need for 100% head clearance in bedrooms is undermined by the fact that the ceiling is lower in the master bedroom with vaulted ceilings, thus showing that this could easily be applied to the other bedrooms as befits a cottage style dwelling.

Size. The internal space is still extensive for a cottage, having hallways wider than the lounge areas, dressing rooms and 2 en suites. These are more like executive style dwellings than cottages befitting a 'semi-rural' area as the agent even calls it. Reference to the modern living need for more storage space to avoid frequent shopping is puzzling. Many would see modern healthy living meaning having fresh fruit and veg and a more minimal lifestyle. Attention drawn to the 2 recently built houses on Duke Street only highlights once more the unsuitability of such dwellings in this sensitive area of Veldo Lane, bordering on the conservation area of the village and leading into the countryside. These houses also originally described as cottages are not 'modest' in scale and dominate Duke Street and have obtrusive outside lighting. However we can see a better example - the one and ½ storey Meadow View Cottage, which fits in here on the edge of the conservation area and does not dominate the adjacent dwellings or the countryside. The proposal is contrary to Policy RA2, criteria 1 and 3, policy SD1, and policy LD1 of the Core Strategy. Also contrary to Policy P8 of the Neighbourhood Plan.

External Lighting It is noted that the original application was submitted with a report by Wilder Ecology, on behalf of the applicant, which recommended – if outside lighting was deemed necessary for security then these should be downlighters only and to a brightness of 2 lux maximum. We wish to see minimal impact on the wildlife and hope the county Ecologist would agree. The new Duke Street houses have many up and down lighters both rear and front, at both upper and lower levels, which light up all the surrounding area. This is contrary to Policy SD1 of the Core Strategy In the Planning, Design and Access statement submitted with the application 182818 the outline consent, it was stressed that the cottages would be of moderate size as Para 6.16 states 'the modest scale of the cottages proposed would ensure that the Proposal would remain a subordinate component to the setting of the conservation Area'. Obviously the final

design was reserved but this was a clear indication of what the applicant proposed, and is not what has now been submitted. These are now large more expensive executive style houses which will dominate the lane and the surrounding countryside as well as impinge on the setting of the Conservation Area

As the agent has referred to application P/204168 the Parish Council would draw attention to the comments by Mr Wager, the planner who dealt in depth with this application, in his email to J Baker December 2020. He dealt in depth with the proposal before leaving the council. It was eventually refused on grounds of the separate access which was not in the outline consent. Mr Wager also referred to the inspector's refusal on appeal for application on the adjacent land. P/190008/0

In support of Duke Street residents, notwithstanding the soakaways proposed on the sites, the WGPC is still concerned that these new large dwellings could lead to more surface water runoff from the field behind them down to the properties in Duke Street below, thus adding to the much increased flooding seen in recent times.

The fact remains that these large executive style dwellings do not enhance the setting in relation to the adjoining countryside and conservation area. We would again request they are refused as would have a detrimental impact on the surroundings. In summary they are in conflict with policies RA2 criteria, 1, 3 and 4, and policies LD1 and SD1 of the core strategy.

5.2 Public representations:

Initial Consultation	
17 letters of objection from 15 individuals	
Procedural	<ul style="list-style-type: none"> Does not correspond to outline red line No cross sections provided No comparison to adjacent dwellings Lack of impact assessment accompanying application Outline should not have been approved and settlement boundary should not have been changed Consideration given to neighbouring appeal decision Current policies should be applied and application considered as a new application Dismissed appeal for 190008 found harm to conservation area and listed heritage assets No site notice erected
Visual Impact and Amenity	<ul style="list-style-type: none"> Design, scale and massing of the dwellings inappropriate for setting Not in accordance with outline 'cottage' description or indicative designs Depth of dwelling leading to shallow roof pitch uncharacteristic Dwellings are too high and will be detrimental to landscape and environment of Veldo Lane Dominate adjoining house and those on Duke Street Scale of accommodation excessive and justification put forward spurious Drawings unclear on visual impact considering site levels Will overlook dwellings on Duke Street
Heritage	<ul style="list-style-type: none"> Adversely impact character of conservation area Significant negative impact on listed buildings
Highways	<ul style="list-style-type: none"> No connection to the public highway Poor visibility exiting Veldo Lane Veldo Lane unsurfaced Connection to sewer could require closing Veldo Lane Visibility splays not achievable

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

Drainage	Veldo Lane floods every winter Proposal will exacerbate existing surface water flooding issues on Veldo Lane and north side of Duke Street Mains sewer has leaked in the past and additional houses could make it worse Water springs located in the field
Trees	Oak Tree with TPO could be affected by works traffic

Following re-consultation	
17 letters of objection from 13 individuals	
Principle	Ribbon development on Veldo Lane destroying rural nature of Withington Outside NDP settlement boundary No local demand for this type of dwelling
Procedural	Not in accordance with outline plans 182818 should be considered invalid as it is ultra vires given red line did not extend to public highway Conditions should include restriction on working hours, loading and unloading, control of commercial use of garages, removal of permitted development rights, drainage arrangements, external lighting and construction management plan
Visual Impact and Amenity	Design, scale and massing of the dwellings inappropriate for setting Lighting scheme on nearby scheme harmful and should not be replicated Juliet balconies and projecting gables will impact privacy of dwellings on Duke Street Scale remains unjustified Different in height to Duke Street will lead to loss of privacy Scale of dwellings would lead to a greater pressure on housing land Lighting contrary to the Ecology report Noise and disturbance as a result of the development Reduction in ridge levels counteracted by increase in floor levels for drainage engineers
Heritage	Adversely impact character of conservation area
Highways	Hard standing should be provided on site prior to commencement Splays should be provided prior to commencement Access gates should open inward only Veldo Lane is private and has no one to enforce cleaning or repairs Veldo Lane is inappropriate for further development
Ecology	Impact on local wildlife which is varied on the site
Drainage	Soakaway features could be below the water table for parts of the year Larger dwellings will increase foul water flows Increase existing surface water flooding issues Impact on River Lugg
Trees	Oak Tree with TPO could be affected by works traffic

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212357&search-term=212357

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>

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

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 by Officers to remain entirely consistent with the NPPF and as such should be afforded significant weight.

6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Withington Group Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.

6.4 The application follows the approval of 182818/O which granted outline permission along with access and layout for the development. Given the outline permission has been granted it is not possible to re-visit the principle of development or matters that have been considered as part of that process, including the vehicular access and connectivity to the public highway. While a number of objections have cited these as concerns, they do not form part of the assessment of the appearance, landscaping and scale to which this application relates.

Appearance & scale

6.5 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (2015 Procedures Order) defines appearance as "the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture".

6.6 Scale means "the height, width and length of each building proposed within the development in relation to its surroundings".

6.7 Policy SD1 of the core strategy 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. In support of this and at a Parish level Policy P4 of the NDP seeks to maintain local distinctiveness, among other things, with consideration of garages being set behind the principle elevations, use of materials (specifically in Withington beyond the conservation area brick is considered to be predominant) and high quality waste storage.

- 6.8 Additionally in respect of both appearance and scale policy LD1 of the Core Strategy seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced, inter alia, the design and scale of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management.
- 6.9 Close to the application site lies Style House (Grade II Listed), Withington War Memorial (Grade II Listed) and The Green (Grade II Listed) as well as Inglenook Cottage (Grade II Listed) and Quarry Cottage (Grade II Listed) which both face onto Duke Street approximately 150m north of the application site. Given the proximity of the site to these assets and that it lies on the edge (but beyond) the Withington Conservation Area, Policy LD4 of the Core Strategy and Policy P7 of the NDP are considered to be engaged. Which jointly state that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape and Withington Conservation Area.
- 6.10 These policies chime with the overarching objective of Chapter 16 of the NPPF which seeks to preserve and enhance the historic environment, giving great weight to the preservation of designated heritage assets. In addition there is a statutory duty imposed upon the decision maker to have special regard to the desirability of preserving and enhancing historic assets and their setting. This applies to the proposal both as it is within the setting of Listed heritage assets under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as the site lies adjacent to a conservation area under Section 72 of the same act.
- 6.11 A number of objections have cited the design and scale of the dwellings as being harmful to the character of the area. The proposed dwellings do have a deep plan and the shallow pitch of the roofs and projecting rear gable adds to this appearance of depth. However, the proposed positioning of the dwellings on the site aligns with the principle elevation of Oldhall House such that the depth of the dwellings will largely be screened when approaching from the East along Veldo Lane and as such they will have a limited impact upon the streetscape or appearance of the conservation area and do not lead to significant harm or any identified conflict with the above listed policies. Furthermore Officer's do not find this to represent poor design. The rear gables remain subservient to the main ridge of the dwelling and their positioning to one side represents a better design response than previous iterations on the site that were found to be acceptable on design grounds.
- 6.12 The plans at outline stage were indicative but envisaged a scheme of 1 x 3 bed and 1x4 bed dwellings with ridge and eaves heights of 7.2 metres and 4.4 metres respectively. The dwellings under consideration have an equivalent eaves height but are 300mm higher at 7.5 metres to the ridge. This proposed ridge height of 7.5m above FFL which is listed on the drawings as 74.55mAOD takes the proposed ridge heights to 82.05mAOD. The surveyed drawings note that Oldhall House has a ridge height of 82.34mAOD for the main ridge of the dwelling. Similarly the proposed height of the eaves is marginally lower than that on Oldhall House. I note the concerns regarding the proposed height and potential for the ridge to be seen above the skyline when viewed from Duke Street and that this could lead to a loss of privacy. However, I do not consider the height to be demonstrably harmful, they will be comparable to the existing development facing Veldo Lane, adjacent to the site, and will benefit from a vegetated backdrop with glimpsed views of the roof tops of properties in Vine Tree Close. In addition the proposed hedgerow planting and standard trees to be grown at 15m intervals along the northern boundary will serve to minimise visual impacts when viewed from the lower vantage points along Duke Street.
- 6.13 The proposed dwellings, while different to the illustrative drawings submitted at outline stage, include a number of features that align with the existing dwellings adjacent to the site, namely Oldhall House and Minton House. These features specifically include the use of facing brickwork, external brickwork chimneys and arched window heads but also the general aesthetic and proportions are of a similar architectural style such that the proposed dwellings will accord with

their surroundings and the noted predominance of facing brickwork in Withington but beyond the conservation area (Policy P4).

- 6.14 The fenestration is such that no first floor side windows are proposed looking out towards the adjacent Oldhall House thereby ensuring an acceptable level of residential amenity is retained. The garage element on Plot 1 is positioned to the north east such that the main two storey element of the dwelling is well spaced from the shared boundary, thereby ensuring the proposal will not lead to an overbearing structure along the common boundary with Oldhall House.
- 6.15 The proposed dwellings will face onto Veldo Lane and look towards the dwelling known as Framley House, 16 Vine Tree Close which is set perpendicular to the proposed dwellings. While there is the potential for the proposed development to overlook the private rear garden given the separation distance, that the local topography slopes away from 16 Vine Tree Close to the proposed siting, the mature front hedgerow will largely be retained and that the fenestration to the front of the proposed dwellings is relatively modest in nature it is not considered to adversely impact the residential amenity of the mentioned dwelling or neighbours of.
- 6.16 To the rear the fenestration is more indulgent and will look out over and across the field towards properties on Duke Street. The back to back distances would be in excess of 130 metres and will therefore not lead to a sense of overlooking that would differ from the established dwellings adjacent to the application site. Furthermore, as above, the proposed planting on the northern boundary will help to mitigate any perceived loss of privacy.
- 6.17 The proposed lighting has been amended to accord with the recommendations of the Ecology Report prepared in support of the outline permission (Wilder Ecology report dated July 2018) which stated that all lighting should be downward facing and a maximum of 2 LUX. It is recommended that this be added as a condition of any approval of the reserved matter of appearance to ensure the lighting remains in accordance with those recommendations and to avoid wider landscape impact and impacts upon protected species.
- 6.18 In the context of the extant outline permission and considering the appearance and scale of the proposed dwellings I find that they would positively contribute to the street scape in a manner that conserves the conservation area; they are not considered to adversely impact the character or setting of the listed heritage assets at the end of Veldo Lane; they adequately protect/provide for the amenity of existing and proposed residents and they do not lead to adverse landscape character issues. As such the proposal is considered to accord with Policies SS6, SD1, LD1, LD2 and LD4 of the Core Strategy as well as Policies P4 and P7 of the NDP.
- 6.19 Officer's are mindful of the findings on the adjacent appeal site by the Planning Inspector. However, that application (190008) was for a further two dwellings in addition to the application site and included Veldo Lane up to the junction with the C1130 which appeared to be material in the assessment of heritage matters. Additionally the current application follows an approved outline permission within which matters of heritage were covered in regards to the principle of development, access and layout.

Landscaping

- 6.20 As set out in the 2015 Procedures Order, in this context, landscaping is taken to mean “the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
- (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;”

- 6.21 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced, inter alia, the design, scale and nature 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.
- 6.22 The proposed landscape plan is set out on drawing 459-02-C and illustrates that boundaries will be laid with new native hedgerows, maintained to a minimum height of 2m and width of 1.5m with Oak and Crab Apple trees planted at 15m intervals and left to grow as standards. In addition there is a range of new tree planting that is considered to be locally appropriate, including Rowan, Wild Cheery, Field Maple, Crab Apple and Woodlands Hawthorn.
- 6.23 While the erection of two dwellings will result in a change to the character of the field that was a matter to be considered under the outline, the proposed landscape scheme is considered to help to mitigate that change in character and integrate the development with the surrounding landscape and dwellings along Veldo Lane. Officers identify no conflict with CS LD1.

Drainage

- 6.24 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).
- 6.25 The proposed surface water drainage strategy was subject to condition 15 on the outline approval requiring detailed information to be submitted in support of the Reserved Matters application. These details have been forthcoming in the form of infiltration testing, a detailed surface water drainage design which includes on site attenuation and an active rainwater harvesting system. The proposed strategy has been reviewed by the Council’s consultant Land Drainage Engineers who have confirmed that the proposal accords with policy and the associated guidance of the SuDs handbook.

Other matters

- 6.26 The details submitted with the Reserved Matters application have been sufficient to consider a number of conditions attached to the outline permission and these can accordingly be treated as discharged. For the avoidance of doubt these conditions are as follow and are also covered in recommended informative note 2:

- Condition 7 – Submission of slab levels
- Condition 9 – Surfacing details of parking area
- Condition 13 – Water consumption
- Condition 15 – Surface water drainage strategy

Conclusion

- 6.27 While Officer's acknowledge the high level of public interest and the Parish Council's objection to the scheme, no material harm as a result of the proposed dwellings, has been identified and it is considered that the proposal is a suitable response to the local context in regards to the appearance, landscaping and scale to which consideration is restricted under the current application. Officer's therefore consider the proposal to accord with the development plan and recommend accordingly.
- 6.28 A number of conditions were requested in the public comments on the application however conditions on a reserved matters application need to relate directly to one of those matters under consideration. As such the conditions recommended below are restricted to controlling the development with regards to the appearance, landscaping and scale only.

RECOMMENDATION

That reserved matters consent be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 459-01-B, 02-C and 03-C) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. **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 as well as the recommendations of the Wilder Ecology report dated July 2018 and submitted in support of the outline permission 182818/O.

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, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

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

Reason: In order to protect the character and amenity of the locality including the Conservation Area, to maintain the amenities of adjoining properties, to control the scale of dwelling and to comply with Policies SD1, LD1, LD4 and H3 of the Herefordshire Local Plan – Core Strategy, Policies P4 and P6 of the Withington Group Neighbourhood Development Plan and the National Planning Policy Framework.

4. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The garages hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling houses as such and not for the carrying out of any trade or business.

Reason: To ensure that the garages are used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP2 – Positive and proactive working
2. As part of the processing of this Reserved Matters application it has been possible to determine that conditions 7, 9, 13 and 15 attached to the outline permission reference 182818/O can be treated as discharged. Condition 6 remains outstanding, the discharge of which is required prior to works progressing beyond groundworks and site clearance.

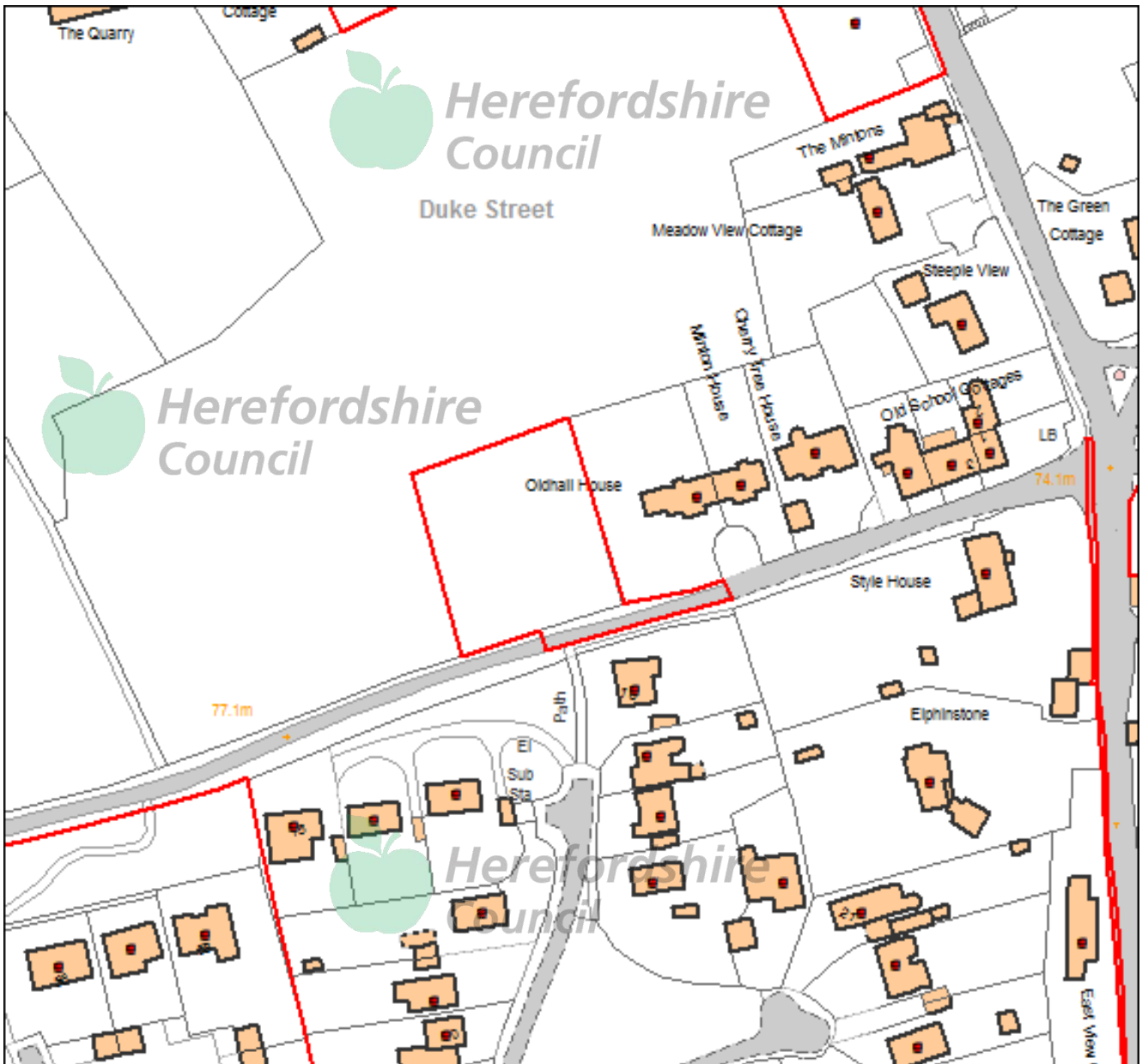
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 212357

SITE ADDRESS : FIELD WEST OF OLDHALL HOUSE, VELDO LANE, WITHINGTON, HEREFORDSHIRE, HR1 3QA

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

