

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	29 SEPTEMBER 2021
TITLE OF REPORT:	202412 - ERECTION OF 1 NO. DWELLING AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING, OUTBUILDINGS, INFRASTRUCTURE, LAKE CREATION AND OTHER ENGINEERING WORKS AT FLOW HOUSE - LAND NORTH OF SHEEPCOTTS COURT, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ For: Mr & Mrs Perry per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202412&search-term=202412
Reason Application submitted to Committee – Re-direction	

Date Received: 27 July 2020

Ward: Three Crosses

Grid Ref: 359238,250185

Expiry Date: 28 May 2021

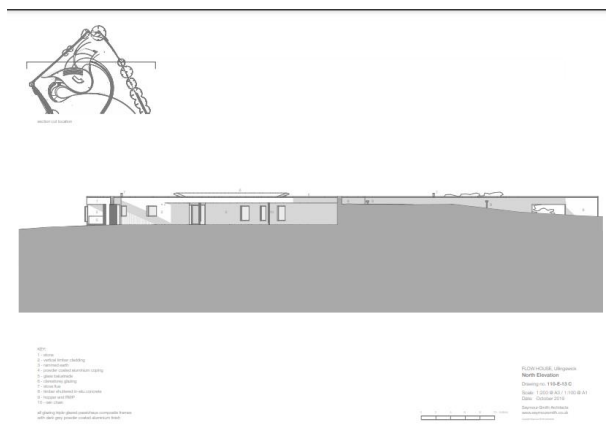
Local Member: Cllr Lester

1. Site Description and Proposal

- 1.1 The site comprises 4 no. parcels of land to the north, north-east, east and south-east of Sheepcotts Court, approximately 1 mile north-east of Ullingswick and 6.5 miles south-west of Bromyard. The site is viewed to be in open countryside, beyond any settlement designated under Core Strategy Policy RA2 as a focus of proportionate housing development.
- 1.2 With an agricultural land classification of Grade 3 (Good to Moderate), the site comprises a larger and broadly 'L' shaped arable field to the north, an irregularly shaped field accommodating a large ornamental pool to the east of Sheepcotts Court, and two smaller fields adjacent to the latter, as well as a woodland block immediately north of Sheepcotts Court. The site totals approximately 12.3 hectares.
- 1.3 Topography rises from the southeast to the northwest of site. Bridleway UW1 intersects the site (which forms part of the Three Rivers Ride), as well as bridleway UW12, which runs south-east of site, leading to the Ullingswick Conservation Area, notably incorporating the Grade II* Listed St Luke's Church. Apart from Sheepcotts Court, which lies to the south-western boundary, the site is surrounded by arable land with an area of woodland (Red Hill Coppice), 90 metres northeast of the northernmost part of site. The site's northern boundary is along a local ridgeline with field boundaries comprising native species hedgerow with occasional field oaks. Field boundaries are demarked by unmanaged native species hedgerow with a cluster of field oaks to the north-west, as well as being partially wooded with mature oak and willow. There are gaps in the hedgerow where it has died back. The western boundary flanks the drive to Sheepcotts Court, which has a byway open to all traffic (BOAT) (U66006/UW12). The drive is bounded on both sides by native species hedgerow with ornamental trees on intervening wide grass verges.

- 1.4 The application seeks planning permission for the erection of 1 no. dwelling and associated development including access, landscaping, outbuildings, infrastructure, lake creation and other engineering works.
- 1.5 The proposal is submitted, in the view of the applicant, to satisfy paragraph 80(e) of the NPPF (July 2021), as a design of exceptional quality that is truly outstanding, reflecting the highest standards in architecture, helping raise standards of design more generally in rural areas, significantly enhancing its immediate setting, and being sensitive to the defining characteristics of the local area. Proposals have, prior to submission, been considered by an independent and impartial design review panel, MADE, whom have provided formal feedback.
- 1.6 Since validation, the NPPF has been updated with Paragraph 80 superseding what was Paragraph 79 under the previous incarnation of the NPPF (2018 version) and 55 (2012 version). Officers refer to the proposed site plan and elevations of the proposed dwelling, and visual illustrations of the proposed dwelling:

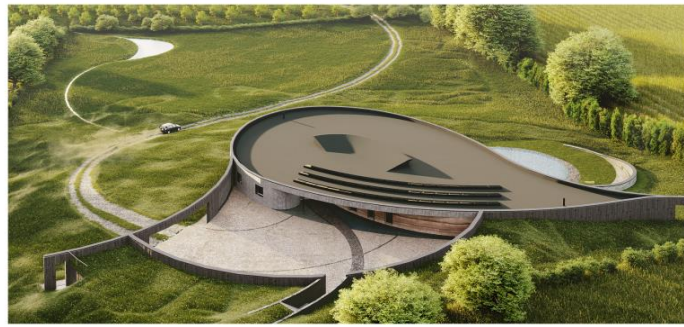




FLOW HOUSE, Uppigash
Aerial View from South
Drawing no. 118-B-111
Scale: 1:100 (A1)
Date: October 2018
Author: Josh Bailey
www.joshbailey.co.uk



FLOW HOUSE, Uppigash
View from South
Drawing no. 118-B-112
Scale: 1:100 (A1)
Date: October 2018
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www.joshbailey.co.uk



PLANNING
 DESIGN
 DRAWING NO. 1100-012
 DATE: 10/10/15
 SCALE: 1:1000
 DRAWN BY: J. B. BAILEY
 CHECKED BY: J. B. BAILEY
 APPROVED BY: J. B. BAILEY

2. Policies

2.1 Herefordshire Local Plan – Core Strategy adopted on 16 October 2015

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS3 – Releasing land for residential development
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA3 – Herefordshire's countryside
- 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

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/downloads/download/123/adopted_core_strategy

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early 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. From reviewing those policies most pertinent to the determination of this application, they are viewed to be consistent with the NPPF and as such, significant weighting can continue to be afforded to these policies.

2.2 Ocle Pychard Group Neighbourhood Development Plan – made on 11 March 2019

- OPG1 – Sustainable Development
- OPG2 – Development Needs and Requirements
- OPG6 – Ullingswick

OPG11 – Natural Environment
OPG12 – Historic Environment
OPG13 – Design and Access

The Ocle Pychard Group NDP policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
<https://www.herefordshire.gov.uk/directory-record/3091/ocle-pychard-group-neighbourhood-development-plan>

2.3 National Planning Policy Framework – updated on 20 July 2021

2 – Achieving Sustainable Development
4 – Decision-Making
5 – Delivering a sufficient supply of homes
8 – Promoting healthy and safe communities
9 – Promoting sustainable transport
12 – Achieving well-designed places
14 – Meeting the challenge of climate change, flooding and coastal change
15 – Conserving and enhancing the natural environment
16 – Conserving and enhancing the historic environment

The NPPF, which sets out the government's planning policies for England and how these are expected to be applied, can be viewed through the following link:-
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

3. **Planning History**

None

4. **Consultation Summary**

Statutory Consultations

4.1 **Natural England – No response received**

4.2 **Forestry Commission – No comments to offer**

"Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- *Details of Government Policy relating to ancient woodland*
- *Information on the importance and designation of ancient woodland*

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons

and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland. Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that “Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.” We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.”

4.3 Welsh Water – No comments to offer

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural England and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage. 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.”

4.4 The Ramblers Association – No response received

4.5 Open Spaces Society – No response received

Internal Council Consultations

4.6 Senior Landscape Officer – Recommends approval with conditions

“Thank you for the opportunity to make comment on the landscape for the above mentioned development. It is an ambitious project, with the landscape being a significant part of the scheme. The design review by MADE supports the landscape led approach, and based on the information provided and site visit undertaken I approve of the landscape with conditions.

It goes without saying that most built intervention on the landscape will incur some form of direct and indirect visual and physical change or impact on the landscape. This development through the use of three distinct zones: Parkland, Orchard and Meadow provides a variety of landscape mechanisms that mitigate visual impacts, offset physical impacts and makes landscape

enhancement. This is not to say that the main dwelling and outbuildings may have some visibility, particularly from the Public Right of Way (PROW), known as Three Rivers Ride, I provide a landscape recommendation for the car park area of the dwelling that will stand out.

There are areas of the development (predominately the northern part, with the main dwelling and Perry Mill outbuilding, zoned as the Meadow and Orchard landscapes) that I would like to have specific conditions.

The southern area (Parkland zone) is heavily planted with trees and designed as a parkland setting, that makes an enhancement to the local landscape setting, and would only require standard conditions, such as the provision of hard and soft landscape plan, written specification (setting out species, size, quantity, density and cultivation details.), management and maintenance schedule.

1. Mitigate views from Public Right of Way (PROW)

The freestanding wall at the highest point (containing the car parking area) will be a dominant element in the landscape. This wall extrudes the horizontal length of the building, but is not a functional requirement of the building and is questionable if it is an essential item. The recommendation at this location is to consider treating the north-east corner of the site (car park/service area) and drawn further southward along the boundary as a Woodland zone. This will connect the mass of the building with the existing woodland to the east.

2. Ensure the driveway with grass strip is installed and maintained post occupancy

The proposed driveway implies a low key double row of stone with grass in-between, and is an important treatment in this low impact, landscape led scheme. This approach will need to be conditioned with the provision of details and assurance it will be retained post occupancy. I focus on this element, as the relatively steep topography, with storm water runoff, with a high clay content may change this intent to a more engineered and standard road surface, and therefore will impact the landscape visually amenity.

3. Reduce the width of the 'driveway' as it approaches the car park

The driveway appears to 'flair-out' in width (approximately to 7-8 metres) as it approaches the carpark. This will produce a large area of unnecessary hardstand and increase visual impact. Reduce this width to the same width as per the typical driveway.

4. Provide a soil analysis/strategy and implementation and management report for the wildflower meadow.

The excavation of soil for the dwelling (depths of up to approximately 7-8 metres) and ponds results in over 7000m³ of heavy clay proposed to be distributed over topsoil with potential to be within close proximity to existing trees and hedgerow. The new surface due to the heavy clay will be prone to erosion of fine sediment and will influence growing conditions. The excavation methodology and post care of the soil (aeration, soil health, storage etc.) will need to be carefully managed. It is advisable to condition the submittal of a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009), together with a thorough written specification of soil conditions, species, planting procedures and management (minimum 10 years) of the wildflower meadow. The correlation between soil, appropriate wildflower mix and post care defines how important the Meadow landscape is for this development, and the enhancement from mono-culture agriculture use (i.e. Maize crop growing at the time of the site visit) to a biodiverse wildlife rich meadow. Ensure there is no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

5. Implementation of the Perry Orchard and Perry Mill

There is a direct historic link of an orchard plantation on the site, as shown on a historic map, dated 1819. Note, records from 1843-1893 onwards show no indication of orchards on the site, but show an extensive matrix of orchards around the Ullingswick area, therefore there is a

reasonable argument for the restoration of an orchard. This vision is supported with the construction of a Perry Mill and is an integral factor in the approval of landscape zone. As stated above, the ground condition, grasses and wildflowers are equally as important as the trees, so this needs to be included as part of the submittal of conditions. The orchard is proposed to reflect the traditional orchard, and is therefore is a long term legacy landscape. The appropriate 'in perpetuity' management and maintenance duration (i.e. minimum 30 years), will need to be defined to ensure that biodiversity net gain benefits are secured, and the intent of the orchard as traditional orchard fulfilled. The selection of species, with the correct root stock is essential, and should be provided as part of the conditions submittal. The Perry Mill is an integral part of the enhancement of the landscape character, and a suitable condition for this to be constructed prior to or simultaneously with the main dwelling should be applied to maintain the totality of this landscape led development. Further information, such as the submittal of materials, finishes and colour as part of the conditions will be required.

6. *Hydrology systems and water features implementation*

The engineering of water across the site via rills, channels and water courses into various water bodies on varying topography (some steep) will most likely require a series of 'weirs' and engineering to address interfaces with the surrounding landscape. The provision of levels, sections and details will be required to ascertain how the landscape is manipulated, and treated to appear as a seamless introduction to the landscape. It is unclear if the water elements are natural edged or constructed with hard elements. Respect existing trees, with appropriate setbacks will be critical (particularly) at the lower south-east corner, due to excavation and potential water logging.

7. *Provide hard and soft landscape information with management and maintenance in general for all three landscape zones (Meadow, Orchard and Parkland) and any other associated landscapes (i.e. aquatic planting), provide:*

- *Plan showing existing and proposed finished levels or contours.*
- *Drawing detailing hard surfacing materials*
- *Boundary treatments and means of enclosure.*
- *Trees and hedgerow to be removed.*
- *Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.*
- *Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009) – as stated above.*
- *All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details. Any special conditions, should be outlined (i.e. orchard species/root stock, wildflower mix, aquatic species, nuts and parkland trees).*
- *A plan detailing water attenuation schemes.*
- *Management plan and maintenance schedule soft landscape (To the appropriate durations 'in perpetuity' for establishment, long term health, form and care of the plants and their associated habitats).*
- *Maintenance schedule hard landscape (5 year period)*

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies LD1, LD2, LD3 and SS6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework"

4.7 **Ecologist – Qualified comments and conditions recommended**

"The principle of the supplied Nutrient Neutrality (NN) and P calculator results is all very positive and there are no reasons that this would not be acceptable. The calculations should be updated to include the lowland grazing aspect of the Orchard area as this would be the normal best

practice management for this habitat. A legal agreement for the lifetime of the development (in perpetuity) will be required to secure the agreed:

- Management, maintenance and monitoring of the PTP and the ongoing replenishment of any chemical dosing/phosphate stripping system.*
- Management and monitoring of the wetland secondary/tertiary treatment system and final outfall quality to the local watercourse – as this system provides security of agreed NN if the PTP fails for any reason as it provides some nutrient removal in its own right.*
- The agreed use, monitoring, management and maintenance of all areas being turned from arable to other uses to secure the agreed NN. (eg orchard area) At no time should any aspect of land within the red line development boundary be changed without the prior approval of the LPA due to potential effects on phosphate pathways so created.*

The detail of the proposed process and detail of securing the above, and an agreed and legally securable methodology to ensure this is all secured must be in place PRIOR to grant of consent to provide the required legal and scientific certainty. Any final legal agreement must be full approved and secured as a charge on the property PRIOR to any development above damp proof course level/first occupation subject to a relevant condition.

Once the legal certainty has been agreed with the LPA, approved by the council's relevant legal team/officers the final Habitat Regulation Assessment 'appropriate assessment' can be completed by the LPA Ecology team and submitted to Natural England for their formal 'approval'."

4.8 Trees Officer – No objections; conditions recommended

*"This proposal appears to offer low arboricultural impact on existing trees. The accompanying tree report identifies 3 trees in total which are to be removed which I do not object to, considering that there'll be substantial planting introduced should approval be granted. The new avenue of lime trees is welcomed, they are a naïve species which have traditionally been used for this purpose but more information is needed which my colleague has requested as a condition in their landscape comments. I do however request that small leaved limes (*Tilia cordata*) is the lime species used. In my opinion the proposal is compliant with policies LD1 & LD3 in relation to arboriculture and I support subject to conditions below:*

Conditions

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Udall Martain Associates - Arboricultural Survey, Impact Assessment and Method Statement for Development Purposes (BS5837: 2012) Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework."

4.9 Land Drainage – Conditions recommended

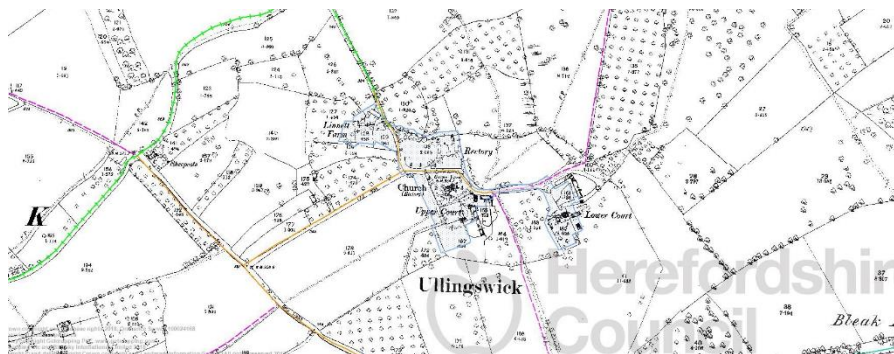
"We note that the most recent update to the Surface and Foul Water Drainage Strategy, dated 7th May 2021, provides details of the phosphate calculations in line with the updated position statement. This has been provided to address the ecology concerns relating to the potential phosphate delivery to the Lugg Catchment. We defer to the Ecology team to provide their response to these updated phosphate calculations. From a land drainage perspective, our comments remain largely unchanged. However, I have noticed that our previous comments contained an error in our request for conditions. Previously we have requested a condition for a detailed foul drainage strategy, however the condition should be for a detailed foul and surface water drainage strategy, as the detailed design will be required for both elements of the drainage system, and not just for the foul system.

Given the large area of available land, we feel that an agreeable drainage strategy can be achieved at this site, from the perspective of land drainage, however we note that our comments do not take any precedence over that of ecology.”

4.10 Building Conservation Officer – No objections

“Summary: No objection is raised based on heritage as no harm has been identified to the nearby conservation area or the setting of nearby listed buildings.

Comments: The application site lies within open countryside near the small, rural settlement of Ullingswick in north-eastern Herefordshire. Mentioned in the Doomesday Book of 1086 as “Ullingwic”, the settlement is characterised by dispersed, agricultural development surrounding the medieval Church of St. Luke.



Historic mapping for the area shows this character has remained relatively unaltered since the mid-C19, many of the farmsteads identified on the historic mapping are still evident today. Ullingswick is designated as a conservation area (CA) and encloses a small number of buildings surrounding the church at its core. The boundary is outline in blue above. The church dates to the C12 but was heavily restored in the 1860s. There are several listed building in the vicinity, the closest include:

- *A cluster of listed buildings within the conservation area designation including the Church of St. Luke, grade II*, Upper Court grade II, Lower Court grade II, Barn E of Lower Court grade II, and Barn and Hop Kiln N of Upper Court grade II.*
- *Three Crowns Inn grade II, further south-east.*
- *Lower Hope and Adjoining Hop Kiln grade II to the west.*

Due to the significant age of the settlement, it is likely that some of the surrounding buildings would be considered non-designated heritage assets based on age and local character. However a comprehensive record of non-designated assets does not yet exist for Herefordshire.

Proposal: The proposal calls for the construction of a “passivhaus” with associated outbuildings and landscaping on a site north of Sheepcotts Court. The scheme is designed to flow with the existing landscape character and be visually unobtrusive.

Impact on the conservation area: At their closest points, the CA boundary lies c. 65m east of the application site. While this seems relatively close, large sections of the site will remain open landscape and as such there is over half a kilometre between the proposed dwelling and the CA. A large dwelling, isolated like this within a designed landscape can be compared to the large estates constructed by landed gentry and aristocracy throughout history. As such a dwelling of this scale with extensive ground would not be wholly uncharacteristic. The settlement pattern of the area as existing is dispersed. The identified site for the dwelling, isolated from other development in the surrounding area, would not disrupt this existing settlement character. It is felt the proposal would not alter how the existing CA is viewed and experienced and as such no harm is identified.

Impact on settings of listed buildings: There is little inter-visibility between the proposed site of the dwelling and the cluster of listed buildings to the south east. The Church of St. Luke is closest in terms of geography, located approx. 750m south-east at its closest point to the site of the proposed dwelling. While it is possible there may be some limited views, this would not impact how the setting of the church was viewed or experienced, based on this no harm is identified. Further, no harm is identified to the settings of the other listing buildings mentioned above."

4.11 Transportation Area Engineer – No objections

"The local highway authority has no objection to the application. 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 and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>"

4.12 Public Rights of Way Officer – Qualified comments

"The new dwelling would not appear to obstruct public bridleway UW1. Any new gates across the bridleway must have written permission from the PROW Team Leader before installation".

4.13 Environmental Health (Contaminated Land) Officer – No response

5. Representations

5.1 Ocle Pychard Group Parish Council – Objection

"Ocle Pychard Group Parish Council wish to object to this application as it lies outside the settlement boundary within the NDP"

5.2 The remaining representations from 16 different parties object to this application, raising the following considerations:

- Dwelling would not significantly enhance immediate setting and has no architectural merit;
- Proposal would incur significant landscape harm and dominate a rural setting;
- Impact on Ullingswick Conservation Area;
- Light and noise pollution;
- Contrary to development plan;
- Site Notice protocols not followed;
- Site is not 'isolated';
- Impact on wildlife/biodiversity;
- Impacts during construction phase;
- Description of development;
- Impact on 'green belt';
- Impact on ancient woodland;
- Impact on hydrology/phosphates;
- Impact on PROW/Bridleway; and
- Inaccurate plans showing the access as private drive when it is public highway.

5.3 All consultation responses can be viewed on the Council's website using the following link:- https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202412&search-term=202412

5.4 Internet access is available at the Council's Customer Service Centres:- <https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Ocle Pychard Group Neighbourhood Development Plan (Ocle Pychard Group NDP). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.3 Policy SS1 of the CS sets out that proposals will be considered in the context of a 'presumption in favour of sustainable development', which is at the heart of national guidance contained within the NPPF at paragraph 11. Applications that accord with the policies in the CS (and, where relevant, with policies in other DPDs and NDPs) will be approved, unless material considerations indicate otherwise.
- 6.4 The Council is able to demonstrate a five-year housing land supply (6.9 years). The tilted balance set out at Paragraph 11d of the NPPF does not apply. Housing policies in the adopted CS and policies within the Ocle Pychard Group NDP can be considered up-to-date and given full weight. Hence, proposals are considered in relation to compliance with the Development Plan unless other material considerations indicate otherwise.

Location and principle of residential development

- 6.5 The application is to be considered against Paragraph 80(e) of the NPPF. Paragraph 80(e) is clear that planning decisions should avoid creating isolated homes in the countryside unless certain circumstances apply. One exception is where the design is of exceptional quality, in that the proposal:
- "- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"
- 6.6 CS Policy RA3 supports proposals which comply with Paragraph 55 of the original NPPF (2012), which, as stated in Section 1.6 of this report, has now been superseded by paragraph 80 of the recently revised NPPF (July 2021). The Ocle Pychard Group NDP at Policy OPG2(4) acknowledges new residential development in open countryside outside the defined settlement boundaries can be supported, where this meets CS Policy RA3, to confirm the principle of development.
- 6.7 The revised NPPF has led to much discussion in terms of identifying what is 'isolated', which needs to be ascertained first, to benefit under paragraph 80. The case of *Braintree District Council v Secretary of State for Communities and Local Government; Greyread Ltd; and Granville Developments* [2017] EWHC 2743 (Admin), is a commonly referenced judgement to which the term 'isolated', should be given its ordinary meaning of far away from other places, buildings or people; remote".
- 6.8 Subsequently, the judgement in *City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors* [2021] EWCA Civ 320, is a very recent example concerning the meaning in the NPPF of "isolated homes in the countryside". The Court held, perhaps unsurprisingly, that the inspector had been correct to adopt the interpretation given to the predecessor to that policy by the *Braintree* decision. At [32] of *Bramshill*, the Court affirmed

that the essential conclusion in Braintree expressed at [42] was that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider *"whether [the development] would be physically isolated, in the sense of being isolated from a settlement"*.

- 6.9 Essentially, a decision maker needs to consider whether the development would be physically isolated, in the sense of being isolated from *"a settlement"* rather than simply isolated from "other dwellings. The questions of what is a "settlement" and whether the development would be "isolated" from a settlement, are matters of planning judgment on the facts of the particular case.
- 6.10 The proposed dwelling is 420 metres from the closest building, an outbuilding at Sheepcotts Court. A cluster of industrial buildings operated by 'Turners Farm Equipment Suppliers' is 430 metres north of the proposed dwelling. These are not viewed as a 'settlement' given the small number of buildings at each location and are in sole ownership. The nearest 'settlement' would comprise the loosely knit cluster of buildings which form the Ullingswick Conservation Area, 570 metres southeast of the proposed dwelling. In the view of officers, given these distances to a 'settlement', this site is viewed to be 'isolated' and can benefit from under paragraph 80.
- 6.11 To assess whether a proposal accords with criterion (e), this raises various questions including: Whether a proposal is truly outstanding? Whether the proposals reflect the highest standards in architecture? Would a proposal help raise standards of design more generally in rural areas? Would a proposal significantly enhance both its immediate setting? Would it be sensitive to the defining characteristics of the local area?
- 6.12 Answers to these questions will form the view as to whether this proposal fulfils paragraph 80(e), which is underpinned by how the proposed design is considered in terms of its rationale and impacts. This is dictated by a number of technical material considerations, which amount to: the design itself, landscape, biodiversity and heritage. Subsequently, it is also important to consider other technical considerations including highways, drainage, HRA, arboriculture, as well as any other technical considerations raised through consultees and third party representations. This is discussed in turn.

Design and Sustainability Measures

- 6.13 Designs submitted under paragraph 80(e) should only be achievable on the site which it is located. This application is presented following extensive pre-application advice and is the culmination of some 4 years of on-going discussions, negotiations, refinement, independent design review processes and consultations. This is extensively set out in supporting documents, namely the Design & Access Statement, prepared by the applicant's architect.
- 6.14 The proposal was, on officers' advice, submitted to MADE, an independent design review panel in March 2019, attended by Council officers'. This approach was taken to gain an independent, impartial review of the proposal, and to provide guidance and design support. Members will acknowledge the report findings, concluding they were very supportive of the proposals, and broadly supportive of the architectural concept, with a positive response received. The summary states:

"The Panel welcomed the landscape led approach being adopted for this site and considered it essential to delivering a proposal that would meet the requirements of paragraph 79. The landscape strategy overall was well considered and appropriate, notwithstanding the specific areas for further consideration raised in this report. The plan form of the dwelling was a rational response to the site but its architectural treatment was thought to be not yet fully resolved. The contrasting treatment of the two upper floors was questioned and a simpler more coherent architectural design approach was suggested. In taking this aspect forward the Panel suggested that more analysis of the local topography was required to enable a greater exploration of the views into and out of the site. The proposed dwelling if built in this location would be a prominent

addition to the local and wider landscape. This should be acknowledged with the aim of creating a positive addition in the landscape. Having said that, the Panel considered the scheme to be strong and had real potential to meet the requirements of Paragraph 79.”

- 6.15 An independent design review panel has confirmed this scheme has the potential to meet the relevant criteria of, what is now, paragraph 80 (previously 79). Paragraph 133 of the NPPF (2021) advises that local planning authorities should ensure that they have access to, and make appropriate use of the tools and processes for assessing and improving the design of development. These include design advice and, in assessing applications, they should have regard to the outcome from these processes, including recommendations made. MADE's recommendations raised many positives about the scheme. This included the architectural design, which expressed a distinctive plan form and many positive sustainable design features. It has the prospect to achieve exceptional architectural quality within a convincing landscape strategy. It was recognised that through a comprehensive understanding of both immediate and wider local contexts, a narrative is established, allowing the dwelling to become part of the landscape, sitting 'in' rather than 'on' site, merging sensitively into its setting, respecting and enhancing its environment and setting an example of truly outstanding design in a rural area. The architecture - both building and landscape - as well as ecology and energy, all work collectively as one - they are inseparable.
- 6.16 Following this assessment, further discussions between the applicants', architects and officers' have taken place. Whilst the concepts, rationale and plan organisation, which were all supported by the panel, have not changed, the courtyard arrangement, position of the dwelling and treatment of the facades have been thoroughly revised and improved considerably as a result of this review, as suggested by MADE. This has included the omission of a rooftop room, which in turn has significantly simplified the design and aided enhanced detailing.
- 6.17 The concept is a 'flowing' design, predicated on the flowing contours of site, the organic 'flowing' ancient woodland and flow of water throughout. The dwellings' solid massing at its central point gives way to a split-level form to its sides, with the second storey being set back significantly from the first. The route and curvature of the dwelling and access track follow the site's contours, siting the roof line below the ridge at the north of the site. The overall effect is a dwelling which flows into and out of the landscape and which is of the hillside rather than merely on it, despite its distinctive form. The upper level has been further revised to create a loggia type arrangement, with the façade set far back behind a stone outer layer, which will then be able to support a large roof overhang, minimising light pollution, as well as reducing any visual impact of the glazing from long distance views. Special glass has also been specified to reduce light spill and reflection further.
- 6.18 The resulting two storey stone facade with recessed areas for balconies on the upper level produces a unified design, with the arrangement of the arrival and parking courtyard also revised, simplifying it, leading to less excavation and allowing the building to be located further up site. The cars and service areas are hidden to the north, leaving clear views out to the south and decluttering them from views towards the house. Arrival on the upper level leads to upside-down living, with the main living spaces on the upper level. All spoil taken from the areas cut out (other than what is used to construct the rammed earth spine wall) will be kept on site and used to fill other areas of the site.
- 6.19 Locally sourced stone (of varying colours), render and timber will feature in the immediate vicinity of the site. This along with other slight adjustments, including provision of lots of storage has been allowed for in and adjacent to the garages around the courtyard, as well as on the lower level adjacent to the pool, reducing the need to incorporate further ancillary buildings. The main skin of the building facing south will be comprised of locally sourced stone cladding with the upper level recessed walls of vertical larch cladding and the Upper Level Central spine of rammed earth and the roof of grey derbigum olivine membrane.

- 6.20 The upper level is set back from the lower level, creating outside space on the main living level, which is to be covered to protect it from the rain, and summer overheating. Windows on the lower level will be set to the inside of the thick walls and will have secondary frames projecting out to prevent overheating from high summer sun. This has led to a two storey “skin” which wraps around the house and follows the flowing form. The edges of this “skin” extend outwards beyond the building envelope, allowing the house to flow into and out of the landscape.
- 6.21 Being south-facing, this allows the northern side of the dwelling to be semi-submerged into the slope, insulating it, with no to minimal additional glazing required. The form of the roof has been considered with a flat roof allowing for minimal impact as the building is mostly seen from below. It emphasises the horizontality of the building, minimising impact and embedding the house into the landscape. A flat roof keeps the form of the building as low as possible, meaning the building doesn’t interrupt the tree line behind and the form does not project above the skyline as a more vertical form may well do, and allows for uninterrupted appreciation of the southerly view from the area above the house.
- 6.22 The proposed dwelling will be designed to passivhaus standard, and renewable technologies are also to be incorporated to provide the relatively small amount of energy that the building requires given the energy that will be generated, in the most efficient way possible, without reliance on fossil fuels. The TESLA powerwall scalable battery system is key to this. The sophisticated battery unit has an internal inverter built in which manages the DC input from Photovoltaic Thermal (PVT) panels and manages its storage in DC batteries. The unit then converts this DC stored energy into AC to power domestic power loads from electric constables. Once the batteries are fully charged the powerwall is able to divert excess energy to the heat store.
- 6.23 The matter of storing excess heat generated during the summer for use in the winter is done through an Earth Energy Bank (EEB). Essentially, the solar Photovoltaic Thermal panels (PVT) which are proposed to be location on the roof, will generate far more heat than is needed during summer months, and this heat will be pumped into the ground under the house, via a series of boreholes filled with glycol. By insulating the perimeter of the EEB, the soil acts as a battery, storing summer heat for use during the winter for heating and hot water. PVT panels include a thermal layer (a glycol loop behind the PV cells) which actively cools the PV.
- 6.24 It is understood that what is proposed here is what officers believe will be the first ever installation of an EEB with heat pump, PVT and Ground Supercharger. The Ground Supercharger is effectively a fan coil that connects to the EEB. It injects up to 20Kw into the ground from ambient conditions with little energy cost (small pump and a fan) whenever the air temperature is greater than the ground temperature. This would be fitted near the extract ducts of the MVHR system to provide additional heat recovery. This approach, as it is understood, is the first of its kind in the UK, and is a great example of a dwelling which demonstrates how innovative use of energy generation and conservation techniques can truly minimise the need for ‘on grid’ energy.
- 6.25 The effect is the achievement of a dwelling of an individual, unique and in the view of officers, based on MADEs outcomes and subsequent amendments, an outstanding design which is carefully positioned to maximise views from the development and limit potential landscape and visual impact. This is achieved by its flowing form, appropriate material choice, extensive and robust landscaping (particularly to the foreground of views from the south). The application, in design and sustainability terms, is considered to accord with Policies SS4, SS6, SS7 and SD1 of the CS, which is consistent with Sections 2, 12 and 14 of the NPPF and Policies OPG1 and OPG13 of the Ocle Pychard Group NDP.
- 6.26 The proposed design has been recognised by an independent design review panel as having clear potential to meet this criteria, and has been refined further since. The building has a bold appearance yet is one which is a part of the landscape. It also utilises sustainable building techniques and energy generation measures, and minimises building miles through sourcing materials locally. The scheme also delivers an internal design which is both functional and highly

attractive. For these reasons, the proposals are viewed to reflect amongst the highest of architectural standards and a great prospect of a leading case study for the Council's to promote in terms of achieving sustainable building design.

Landscape

- 6.27 Inextricably linked into design is landscape. Landscape cannot be considered as an afterthought under paragraph 80(e), rather landscape is a fundamental aspect of the whole scheme in terms of design. It is considered such a proposal should be presented on the basis of the whole site and context rather than just the house, hence the red line submitted.
- 6.28 Landscape consideration, context and understanding has underpinned and influenced the proposal as a whole. The extensively detailed Landscape and Visual Appraisal (hereafter, LVA) explains the site is entirely within the Principal Timbered Farmlands Landscape Character Type, characterised by rolling lowland landscapes with occasional steep-sided hills and low escarpments. They have a small-scale, wooded, agricultural appearance and are complex - in places intimate - made up of a mosaic of small to medium-sized fields, irregularly-shaped woodlands and winding lanes. These factors all contribute to the organic character of this landscape.
- 6.29 The proposals are truly landscape-led and have been subject to the iterative design process embracing ecology and green infrastructure as well as landscape architecture, comprising an in-depth survey and analysis of surrounding landscapes and the amenity of those who use them.
- 6.30 The LVA explains how the proposal delivers a characteristic development. It sets out that, *"in this case, whilst the new dwelling would introduce new built form into a relatively sparsely-settled landscape, due to its nature it would be characteristic. Furthermore, the new house relates well with existing built form in the area, in terms of both balance and communication"*. At paragraph 8.5.1, the LVA summarises that the proposals would have the following impacts on character. Effects on national landscape character would be Negligible Positive. Effects on regional landscape character would be Minor Positive. And effects on local landscape character would be between Minor and Moderate Positive.
- 6.31 The content and depth of analysis offered by the LVA demonstrates that the proposals have been clearly influenced by the local landscape character type, as required by CS Policy LD1, which is consistent with Section 15 of the NPPF, and Policies OPG1 and OPG11 of the Ocle Pychard Group NDP. The siting, layout and design has been finalised after rigorous assessment of character and following fine tuning in the wake of pre-application advice by officers and the MADE Design Review Panel's advice. The compliance with Policy LD1's requirements in respect of landscape character is underscored by net positive effects on character.
- 6.32 Regarding visual impact, officers view that the development give rise to certain beneficial effects on landscape character, and subsequently, associated visual effects would also be beneficial. However, 'subjectivity' must be considered, in and that whilst there are few objectively beneficial impacts, such as removing an eye-sore, design may be perceived as a positive or negative, depending on the viewership, hence why going through MADE has allowed for industry professionals to provide impartial input. It must also be borne in mind that, as is good practice, the applicant's Landscape Consultant has assumed a worst-case scenario in their assessment. Thus, the impacts could be far lesser in magnitude and viewed more positively.
- 6.33 The proposed landscape enhancement measures have been designed to reflect their local landscape context, and would noticeably/quantifiably improve many aspects of the existing landscape/ecological baseline situation. This is not the easiest to achieve, particularly given the land is not degraded in any way, often difficult to achieve under paragraph 80(e). MADE's recommendations welcome the 'landscape led' approach being developed for this highly sensitive

and prominent site in open countryside. The restoration of historic landscape elements was supported and confirmed that this would lead to enhancement of the local landscape. The overall landscape strategy for the site and access route is considered appropriate and based on a thorough analysis and understanding of the local typography and landscape. Enhancements are details below.

- 6.34 Analysis of old maps revealed there had originally been an orchard in the lower half of the arable field. Reinstating this is characteristic and would bring huge ecological benefits, not least for bats as traditional orchard is a national and county Priority Habitat. A Perry Pear Orchard is proposed which would also play a big part in how the site is experienced. The journey through the orchard towards the house would allow for occasional glimpses of parts of the house without divulging all of it until revealing itself at the final gateway to the meadow in which it sits. The orchard will screen the house from the Three Rivers Ride which runs along the southern boundary of it, allowing privacy, whilst maintaining stunning views out further south, looking over the trees. Furthermore, historic maps also revealed that there had been a hedge dividing the arable field in two, shown on a map from 1964 hence reinstating this is appropriate and characteristic, providing further enhancement.
- 6.35 Screening planting will be introduced along the boundary with Sheepcotts Court, together with introducing an avenue of lime trees either side of the driveway through the historic parkland setting in front of Sheepcotts Court. The gateway has been designed with an eye-catching approach that grabs the attention before reaching the entrance to Sheepcotts Court. This gateway will use the same materials and language as the house, giving a clue of what's to come. The existing lake will be retained, improving aquatic and riparian habitats around it, and adding a boat house bat habitat. And the traditional open hay meadow setting will form the context of the new house, allowing it to be at one with and rise out of the landscape. The route of the driveway is a mechanism for curating the journey through the site and that way the house and the views are experience
- 6.36 In addition to the flowing route of the access road through the site, water flowing through the site is a key theme. The contours of site are a important driver of both design and its flowing form. The water body in the south east corner of the orchard will also serve as a focal point for the users of the Three Rivers Ride bridle path, which runs alongside. A decorative "cider mill" building is proposed, and to house Horseshoe bats. There will also be a lakeside seating area with interpretation boards, providing a public benefit to understanding the character and history of the area. Opposite the cider mill building, on the south side of the lake, a seating area welcomes users of the Three Rivers Ride. There will also be interpretation boards incorporated, which will include details of the diversity of habitats on the site and the rare and notable faunal species which are to be encouraged to use the site. This, taken together, will improve public understanding of the site.
- 6.37 The enhancements respond directly to Policies LD1 and LD3 of the CS, which is consistent with Section 15 of the NPPF, and Policies OPG1 and OPG11 of the Ocle Pychard Group NDP, insofar as they extend tree cover, protect existing trees and help assimilate the architecture into its context. The planting scheme, particularly hedgerow restoration and extensive orchard planting, represents an uplift in character, helps assimilate the architecture with its context and better reveals the significance of the architecture. There is genuine synergy between the landscaping and architecture whereby the landscaping is a fundamental part of the development. The scheme would not achieve paragraph 80(e) status, if it were not for the way in which the landscaping scheme frames the way the architecture is experienced.
- 6.38 The enhancements are a significant benefit and are of a type and extent which would be unique to this particular site. The proposals have been assessed thoroughly and robustly and have been subject of an iterative design process. The Council's senior landscape officer reports positive effects on landscape character and, necessarily assuming the worst-case scenario and factoring in subjectivity, finds visual effects which do not cause conflict with Core Strategy Policies SS6 or

LD1. Further, the significant landscape enhancements, go over and above that which might ordinarily be expected of a residential development. Members will acknowledge that the Council's senior landscape officers recommends approval of this application with conditions, which will effectively secure the implementation of all element, as well as maintenance and long-term management of all these aspects, which is necessary to secure Paragraph 80(e) status.

Biodiversity

- 6.39 The submitted Ecology Appraisal is an extended phase one habitat survey, great crested newt HSI assessment, badger survey, bat roosting potential survey, bat activity surveys and hazel dormouse check. It identifies that there are no statutory or non-statutory designations at the site but that there are two SWS within 2km of the site. The report describes the arable and grassland fields which make up the application site as of, limited botanical interest/ecological value but that their mature boundary hedgerows are of good quality and medium ecological value having good potential for faunal species.
- 6.40 The accompanying Ecological Enhancement Strategy and Management Plan explains in depth all of the measures that are being taken to ensure that this project delivers a significant net gain in biodiversity. These are summarised here:
- National and county BAP habitats are proposed to enhance the biodiversity of the site and provide opportunities for significant biodiversity gains for the project.
 - The mature hedgerows and trees on the site will be retained.
 - There are opportunities for the remaining habitats to be significantly enhanced for wildlife and nature conservation.
 - The arable field and poor semi-improved grassland fields currently provide poor potential habitat for faunal species and therefore, further habitat creation and native planting would significantly improve the land for wildlife and by providing habitat linkages and strengthening ecological networks on the site and into the countryside in the vicinity.
- 6.41 The following habitat creation is proposed: orchard planting, parkland planting, native species-rich hedgerow planting, wildlife pond creation, native species-rich wildflower meadow sowing and planting additional native trees, understorey and ground flora in the existing planted woodland. It is proposed the gaps in the existing hedgerows will be planted up with a variety of native shrubs, the ditch on the south eastern boundary of the arable field be dug out and a proportion of the vegetation removed and the two wildlife ponds in the south east corner of the owners landholding are managed for great crested newts and other wildlife.
- 6.42 Faunal species enhancements proposed comprise the following: creation of a bat void in in a proposed boat house (for Daubenton's bats *Myotis daubentonii* and other bat species) and a bat void in a proposed cider mill (for horseshoe bats *Rhinolophidae* sp.), swallow (*Hirundo rustica*) and house sparrow *Passer domesticus*) nest boxes on the above new buildings, bat box scheme, bird box scheme (including barn owl *Tyto alba* boxes) and dormouse box scheme in the planted woodland and mature hedgerows, insect boxes and hedgehog boxes in the mature hedgerows and the creation of an artificial badger sett. An interpretation board will be installed near the new cider mill building, wildlife pond and the Three Rivers Ride Trail.
- 6.43 The creation of native species-rich wildflower meadow and a wildlife pond and planting of an orchard, parkland and native species-rich hedgerows on the site provides potential habitat for a range of protected and notable faunal species including great crested newt, reptiles, badger, roosting, foraging and commuting bats, hazel dormouse, birds and a variety of invertebrates. Mature orchard fruit trees provide potential habitat for a range of invertebrates including notable beetles and moths. All five habitats proposed are Priority Habitats of conservation concern on the national and county BAPs. The additional faunal enhancements, including bat houses for rare bat species, provide further wildlife/biodiversity gains.

- 6.44 On the above basis, the proposals preserve priority species and their habitats in accordance with protective parts of Core Strategy Policy LD2 and NDP Policy OPG11. Specifically, through the extensive and integral biodiversity enhancement scheme, that will work in tandem with the approved landscaping, the proposals wholly fulfil the provisions of CS Policy LD2(2), which requires restoration and enhancement of existing biodiversity features and connectivity to wider ecological networks, LD2(3), which seeks creation of new biodiversity features and wildlife habitats and OPG11(4) which, in essence, amalgamates those two provisions.

Heritage

- 6.45 There are no listed buildings on the site, nor is the site directly affected by any other heritage designation. Nonetheless, this assessment has identified listed buildings and a conservation area within the study area. The provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 are relevant to the determination of this application and the specific impact of the development proposal on the significance of these assets is discussed herein. Under Section 66 (1), the local planning authority is required, when considering development which affects a listed building or its setting, *“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”* With particular regard to Conservation Areas, Section 72 of the Act goes on to say, *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 6.46 Ullingswick Conservation Area is 570 metres to the south-east of the location of the proposed dwelling and 70 metres east of the closest part of the site. The Conservation Area is the historic core of the village and comprises a scattered group of farm buildings and other buildings having a distinctly rural setting. St Luke’s Church is Grade II* listed and is approximately 250 metres to the south-east of the closest part of the site, but 750 metres to the south-east of the location of the proposed dwelling. The following Grade II listed buildings are also within the study area: Barn and Hop Kiln North of Upper Court (Grade II) – 290 metres to the south-east; Upper Court (Grade II) – 310 metres to the south-east; Lower Court (Grade II) – 400 metres to the south-east; and Barn East of Lower Court (Grade II) – 420 metres to the south-east.
- 6.47 As explained in the NPP, significance also derives from the setting of heritage assets. The Framework defines setting as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 6.48 The Council’s Building Conservation officer concludes that with regards to the impact on the Conservation Area, at their closest points, the Conservation Area boundary lies c. 65m east of the application site. While this appears relatively close, large sections of the site will remain open landscape and as such there is over half a kilometre between the proposed dwelling and the Conservation Area. A dwelling of this scale with extensive ground would not be wholly uncharacteristic. The settlement pattern of the area as existing is dispersed. The identified site for the dwelling, isolated from other development in the surrounding area, would not disrupt this existing settlement character. It is felt the proposal would not alter how the existing Conservation Area is viewed and experienced and as such no harm is identified.
- 6.49 Officers concur with these conclusions. The proposals would not affect the setting, experience and significance of heritage assets. Accordingly, the scheme would conserve the setting of heritage assets through sympathetic design and appropriate landscaping in accordance with the provisions of Core Strategy LD4 and NDP Policy OPG12 (1 & 2), which is consistent with Section 16 of the NPPF. Given no harm has been identified, the scheme is considered to have a neutral impact on the historic setting of the site and there is no need to undertake the paragraph 202 test of the NPPF, and that the statutory duties of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Transportation

- 6.50 Access arrangements propose utilising the existing access to Sheeppotts Court, via the U66005, and subsequently leave the public highway, through the formation of the gravelled access drive that winds its way through the site and up to the proposed dwelling. No objections have been raised by the highways area engineer. a 3.5m wide 'driveway with a crushed stone surface and a central grassed strip will be provided to serve the dwelling from the existing access point to the courtyard where the entrance to the dwelling, garages and parking is located. The main entrance gate will be set back from the road to allow vehicles to pull safely off the road before stopping to open the gate. A discreet call point, accessible whilst in the vehicle or indeed by foot, will link to the dwelling, to allow the occupiers to open the gate remotely. Further gates with call points linked to the dwelling are located at the entrance to the orchard and the entrance to the meadow. Manual gates suitable for use by horse riders without dismounting will be located along the Three Rivers' Ride, adjacent to the vehicular gate.
- 6.51 The proposals include garage based parking for 2 cars. Further parking is available in the courtyard and "show garage". All spaces are designed to be suitable as disabled parking bays, measuring 6.2m by 3.6m, in accordance with the overall design philosophy to create a lifetime home. 4 bicycle parking spaces are provided in the secure garage and also a charging point for the charging of plug-in and other ultra-low emission vehicles, as strived for by the NPPF, Policy SS7 of the CS and Policy OPG13 of the NDP, can be secured by written condition.
- 6.52 Whilst inevitably a new dwelling will lead to some intensification in vehicular traffic on the surrounding local highway network, it is viewed this would not result in a severe impact upon the operation of the surrounding local highway network, and as such there are no significant highways and transportation matters that should preclude the granting of planning permission. The application is in compliance with CS Policies SS4 and MT1, which is consistent with Chapter 9 of the NPPF, having particular regard for paragraph 111, as well as Policy OPG13 of the Ocle Pychard Group NDP.

Drainage

- 6.53 Drainage arrangements are set out in the revised Surface Water Management Plan and Foul Water Drainage Strategy. Existing water on the site relates to springs in the northern boundary of the field to the east of the site flow partly over and partly underground until they join the ditch on the boundary, at which point there is a constant natural flow of running water, which feeds into the watercourse that continues around the north and east of Ullingswick and off to the south. Water supply to the new property will be via a borehole. Surface water drainage will be partly into the pool to the north side of the house and partly to underground pipes, both of which will feed into the proposed pool to the south side of the house. This will feed via a rill that will flow down to a small attenuation lake in the south east corner of the meadow. This then joins the existing watercourse and flows along the hedgerow around the eastern side of the orchard field and finally into a lake in the south east corner of the orchard field, before flowing into the watercourse that continues around the north and east of Ullingswick and off to the south. Foul drainage will be collected by a dedicated, sealed and separate sewer system. Treatment will be provided via a package sewage treatment plant, feeding a drainage mound and constructed wetland. This will produce a highly treated effluent that is safe to be discharged into the small attenuation lake and subsequently to the watercourse. In terms of additional tertiary treatment, the small attenuation lake will provide further effluent treatment due to dilution effects plus expose of the flow to both sunlight and aerobic conditions.
- 6.54 Members will note that Land Drainage have reviewed the proposals. They have no objections to the application, however wish to see the detailed design of the foul and surface water drainage

strategy added as a condition should the LPA decide to grant planning permission. Given the large area of available land, they feel that an agreeable drainage strategy can be achieved at this site. The proposed drainage arrangements are considered to be acceptable in line with Policies SD3 and SD4 of the CS, which is consistent with Section 14 of the NPPF and Policies OPG1 and OPG13 of the NDP.

Habitat Regulations Assessment (HRA)

- 6.55 Paragraphs 179 – 182 of the NPPF outlines the requirement for planning policies and decision to protect and enhance biodiversity and geodiversity. Paragraph 182 clearly states: “*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*”. Paragraph 181 clearly confirms that Special Areas of Conservation should be given the same protection as habitats sites.
- 6.56 The application site lies within the Lugg catchment (Lugg-Little Lugg sub-catchment), which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’))) as being of international importance for its aquatic flora and fauna. At present, levels of phosphates in the River Lugg exceed water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be ‘failing’ its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the LPA) is required to consider all potential effects (either alone or in combination with other development) of a proposal upon the European site through the HRA process.
- 6.57 Planning Permission can only be granted if there is legal and scientific certainty that no unmitigated phosphate pathways exist and the HRA process can confirm ‘no adverse effect on the integrity of the River Lugg (Wye) SAC’. Natural England, the statutory nature conservation body, have advised the Council that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area. The ‘Wealden’ case judgement also confirms that it is not just individual applications (projects) that must be considered but any potential cumulative or ‘in combination’ effects (which applies to SSSI and SAC designated sites).
- 6.58 Case law (*People over Wind and Peter Sweetman v Coillte Teoranta (Case C-323/17)*) requires the decision maker, when considering the effect that a proposal may have on such a European Site either individually or in combination with other development, to consider mitigation within an appropriate assessment rather than at screening stage. In the absence of mitigation measures and using a precautionary approach, run off from drainage associated with the development may affect the nutrient levels and therefore, the water quality of nearby watercourses. The balance of which could impact on the habitat supporting wildlife and further exacerbate the unfavourable water quality condition within the SAC. As such, there is a risk of a significant effect on the internationally important interest features of the SAC.
- 6.59 Whilst previously Natural England and the Council had considered that development that accorded with the Nutrient Management Plan (NMP) for the River Wye SAC, that aimed to reduce phosphate levels to below the target by 2027, might be acceptable, the position has changed in light of more recent caselaw (*Coöperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord-Brabant (Cases C-293/17 and C-294/17)*). This decision suggests that where a designated European conservation site is failing its water quality objectives there is no, or very limited scope for the approval of development that may have additional damaging effects.

- 6.60 Advice from Natural England dated 5 August 2019 to the Council confirms that reasonable scientific doubt remains as to whether the NMP would provide appropriate mitigation. However, specifically in relation to the use of private foul water treatment systems discharging to soakaway drainage fields at some distance from watercourses, criteria are set whereby there would be sufficient scientific certainty to ensure that all phosphate pathways to the River Lugg would be mitigated, as set out in the Council's most recent position statement for development in the Lugg catchment dated April 2021. The key requirement within the Position Statement for this development is to demonstrate neutrality or benefit in relation to phosphate amounts.
- 6.61 The planned development takes existing farmland that has been used for arable farming out of production. The phosphate generated by the farmland and mitigated for by the new orchard would exceed the phosphate due to human activities associated with the new dwelling and this would lead to a net decrease of phosphate into the wider water environment. Developing the site from a arable field into a single dwelling house, utilising a combined treatment facility consisting of a package treatment work, drainage mound and a wetland, with an orchard being installed in some 2/3 of the site's area, would lead to a Phosphate reduction on an annual basis.
- 6.62 To provide legal and moreover, scientific certainty, the Council's phosphate calculator has been used to establish the principle of the supplied Nutrient Neutrality (NN) and P calculator results is all very positive, in the view of the Council's Ecologist, and there are no reasons that this would not be acceptable. A legal agreement for the lifetime of the development (in perpetuity) will be required to secure the management, maintenance and monitoring of the PTP and the ongoing replenishment of any chemical dosing/phosphate stripping system; management and monitoring of the wetland secondary/tertiary treatment system and final outfall quality to the local watercourse – as this system provides security of agreed NN if the PTP fails for any reason as it provides some nutrient removal in its own right and the agreed use, monitoring, management and maintenance of all areas being turned from arable to other uses to secure the agreed NN. (eg orchard area).
- 6.63 The detail of the proposed process and detail of securing the above, and an agreed and legally securable methodology to ensure this is all secured must be in place prior to grant of consent to provide the required legal and scientific certainty. Currently, the LPA is unable to undertake a HRA Appropriate Assessment however, the recommendation is proposed, following discussions with the applicant, that committee are content delegate these matters to officers and are content with granting planning permission. This is given that the applicant is does not wish to commit to further expenses unless a positive resolution was forthcoming. The position has been discussed with legal who are content for such an approach to be considered.

Arbicultural

- 6.64 An arbicultural survey of the site has been conducted to BS5837:2012. The survey area comprised the arable field and extended to the south where the new access track is proposed to the new dwelling from the existing access drive to Sheepcotts Court. Recommendations were made for trees which are not to be felled, but are in close proximity to the proposed development area, to ensure that these trees are not adversely affected by the development proposals. Recommendations have also been made for arbicultural works to some trees in the interest of health and safety.
- 6.65 Members will recognise the Council's Tree Officer identifies that proposal appears to offer low arbicultural impact on existing trees. The tree report identifies 3 trees in total which are to be removed, which they do not object to, considering that the substantial planting being introduced, should approval be granted. Officers view the proposal is compliant with policies LD1 & LD3 and Policies OPG1 and OPG11, in relation to arbiculture.

Other considerations

- 6.66 A bin 'presentation point' will be provided adjacent to the entrance gates for refuse collection. Outside of these times provision for storage and separation of waste and recycling will be provided within the kitchen and utility areas of the main dwelling. The main bin store will be located in the garage.

Planning Balance, Summary and Conclusions

- 6.67 The application is assessed against Policy RA3 of the CS, which is consistent with Paragraph 80(e) of the NPPF and Policy OPG2(4) of the made NDP, namely a proposed scheme, which in the view of the applicant, amounts to a design of exceptional quality. At section 6.11, officers raised a number of questions associated with paragraph 80(e), in terms of what is required to meet the benchmark. These questions are answered below.
- 6.68 The proposed dwelling has a flowing form predicated upon the topography and contours of site, putting forward a material palette and choice which accentuates the building's form, assimilating it with its natural context, including the flowing outlines of nearby ancient woodland. The building's massing at its central point gives way to a split-level form to its sides, with the second storey being set back significantly from the first. The route which the curvature of the dwelling and access track follow are based on the contours of the site. The effect is a dwelling which flows into and out of the landscape and which is of the hillside rather than on it.
- 6.69 There is extensive landscaping (particularly at the foreground of views from the south), and a consistent vegetative backdrop, ensuring the building avoids breaking the skyline when viewed from public vantage points. For these reasons, and as a result of the iterative and engaging design process, the scheme's architecture is viewed to be exemplary and demonstrably influenced by its landscape setting.
- 6.70 The dwelling is a bold, unique and attractive building which, by virtue of its exciting and vibrant design, embracing strong architectural and landscape design principles, would be a positive element in the landscape. Using two different locally-sourced stones across the building to recess the subordinate edges of the building, this will enhance the more dominant central part. Further, through adopting a landscape-led design approach, the proposal would have a positive effect on landscape character, minimise visual intrusion, and deliver significant biodiversity benefits whilst being neutral in terms of its impact on the historic environment. On this basis, the proposals are sensitive to the defining characteristics of the area and would significantly enhance the immediate setting.
- 6.71 Officers have given considerable weight to the conclusions of MADE, who considered the scheme's potential of being an outstanding design, which should be identified as being quite considerable given this has come from impartial industry professionals. Paragraph 133 of the NPPF (2021) identifies that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include design advice and in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
- 6.72 The public benefits that the proposal will bring include improving accessibility and understanding to an extensive network of public footpaths and can provide a shining example as to what can be truly achieved in terms of design, but also enhancing landscape, biodiversity and particularly sustainability credentials, further raising of the bar. The use of an Earth Energy Bank with GSHP, PVT and Ground Supercharger installed together will be, as officers understand, would be the first of its kind anywhere. The reinstatement of a traditional orchard, creation of a parkland setting and a hay meadow and new water bodies are also the forefront of the proposals, not merely an after-thought and truly is, a landscape-led proposal of merit.

- 6.73 A Paragraph 80 dwelling should be considered a 'landmark building', akin to our listed buildings of the future. In the view of officers, the proposals accord with the provisions of Paragraph 80(e) of the NPPF and thus the scheme constitutes an exceptional form of development which is permitted by CS Policy RA3 and, by extension, NDP Policy OPG2. The proposals cause no technical harm as has been considered and assessed throughout this report. To achieve this, and given the uniqueness of this scheme, it is advised that permitted development rights be removed.
- 6.74 The formal recommendation proposed is to grant planning permission subject to completion of a legal agreement to secure, in perpetuity, the management, monitoring and maintenance of the proposed foul drainage arrangements, wetlands and all areas being turned from arable use to other uses, to secure betterment/nutrient neutrality. This is then to allow a positive Habitat Regulations Assessment Appropriate Assessment to be undertaken. Subject to no new additional material planning considerations raised, it is felt this can be delegated to officers.

RECOMMENDATION

Subject to the completion of a legal agreement to secure, in perpetuity, the management, monitoring and maintenance of the proposed foul drainage arrangements, wetlands and all areas being turned from arable use to other uses, to secure nutrient neutrality and to allow the LPA to undertake a positive Habitat Regulations Assessment Appropriate Assessment, and subject to no new additional material planning considerations raised, that officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary by officers:

- 1. C01 - 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. C06 – Development in accordance with approved plans**
The development shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1, OPG2 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.
- 3. CBK (Restriction on hours during construction phase)**
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-Saturday 7.00 am-6.00 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, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.
- 4. CKP – Ecological Protection & Protected Species**
The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European Protected Species Licence, as recommended in the ecology report by Udall-Martin Associates Ltd

dated March 2019 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3 and Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan.

5. CNS – Non-standard condition

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Udall Martin Associates - Arboricultural Survey, Impact Assessment and Method Statement for Development Purposes (BS5837: 2012)

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework

6. CAT – Construction Management Plan

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 and pedestrian safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

7. CK6 – Landscape Scheme – Implementation

No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include as a minimum:

- a) A statement setting out the design objectives and how these will be delivered;
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the ‘Construction Code of Practice for the Sustainable Use of Soils in Construction Sites’ (DEFRA 2009);
- c) A plan showing existing and proposed finished levels or contours;
- d) A drawing detailing hard surfacing materials;
- e) Boundary treatments and means of enclosure;
- f) Vehicle/Pedestrian/Bridleway access, including surfacing materials;
- g) Trees and hedgerow to be removed;
- h) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012;
- i) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details (i.e. orchard species/root stock, wildflower mix, aquatic species, nuts and parkland trees, where applicable); and

- j) A plan detailing water attenuation schemes, to include provision of levels, sections and details of the approved hydrology systems.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework

8. C13 – Samples of External Materials

With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

9. CNS (Non-standard condition)

No development shall take place until a detailed design of the foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the dwelling hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided, to ensure that the development does not give rise to potential surface water flooding risk, to ensure no impacts on existing drainage arrangements and no ground pollution and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. CH8 – Joinery Works

No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.
- Method & type of glazing.
- Colour Scheme/Surface Finish

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the interest and character of the approved scheme, in accordance with policies SD1 and LD1 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan.

11. C12 – Rainwater Goods

Details of the material, sectional profile, fixings and colour scheme for Rainwater goods (to include any gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the interest and character of the approved scheme, in accordance with policies SD1 and LD1 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan.

12. CNS (Non-standard condition)

Prior to first occupation of the dwelling, written and illustrative details of the number, type/specification and location of 1 no. charging point to enable the charging of plug in and other ultralow emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwelling, shall be submitted to and approved in writing by the local planning authority. The charging point 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 and Ecology Emergency declared by Herefordshire Council, to accord with the provisions at paragraphs 107 and 112 of the National Planning Policy Framework and Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan.

13. CK7 – Landscape Implementation

The hard and soft landscape works shall be carried out in accordance with the approved details pursuant to condition 7 before any part of the development is first brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance pursuant to condition 14.

Reason: To ensure implementation according to the hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

14. CK8 – Landscape Maintenance

Before the development is first brought into use, a schedule of landscape management and maintenance plans for all three landscape zones (Meadow, Orchard and Parklands) and associated landscapes (i.e. aquatic planting), shall be submitted to and approved in writing by the local planning authority. The relevant time period shall be in perpetuity in relation to soft landscaping and 10 years in relation to hard landscaping. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

15. CC1 – Lighting

Details of any additional external lighting proposed to illuminate the development, except as otherwise indicated in the approved plans, shall be submitted to and approved in writing by the local planning authority prior to installation. Development shall be carried out in accordance with the approved details.

Reason: To safeguard local amenities and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1, OPG11 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

16. **CE2 – Solar panels or other external renewable energy installations**
Within six months of any of the photovoltaic thermal panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference. They shall be replaced with new photovoltaic thermal panels, within three months of their removal, unless an alternative timetable is otherwise agreed in writing with the Local Planning Authority prior to removal.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework

17. **C64 – Restriction on Separate Sale (Red Line)**
No part of the approved development, defined within the residential curtilage and its extent is as indicated by the location plan, as shown in drawing number 110-P-05-A dated 4 November 2020, shall be sold, leased or let separately from each other, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of maintaining paragraph 80 status, it would be contrary to policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy OPG2 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework, with particular reference to paragraph 80.

18. **C65 – Removal of Permitted Development Rights**
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 Class A of Part 2 of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to allow the Local Planning Authority the opportunity to assess future development in light of the paragraph 80 status of the approved development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG1 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

1. **IP2 (Application approved following revisions)**
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. **I05 - No drainage to discharge to highway**
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.

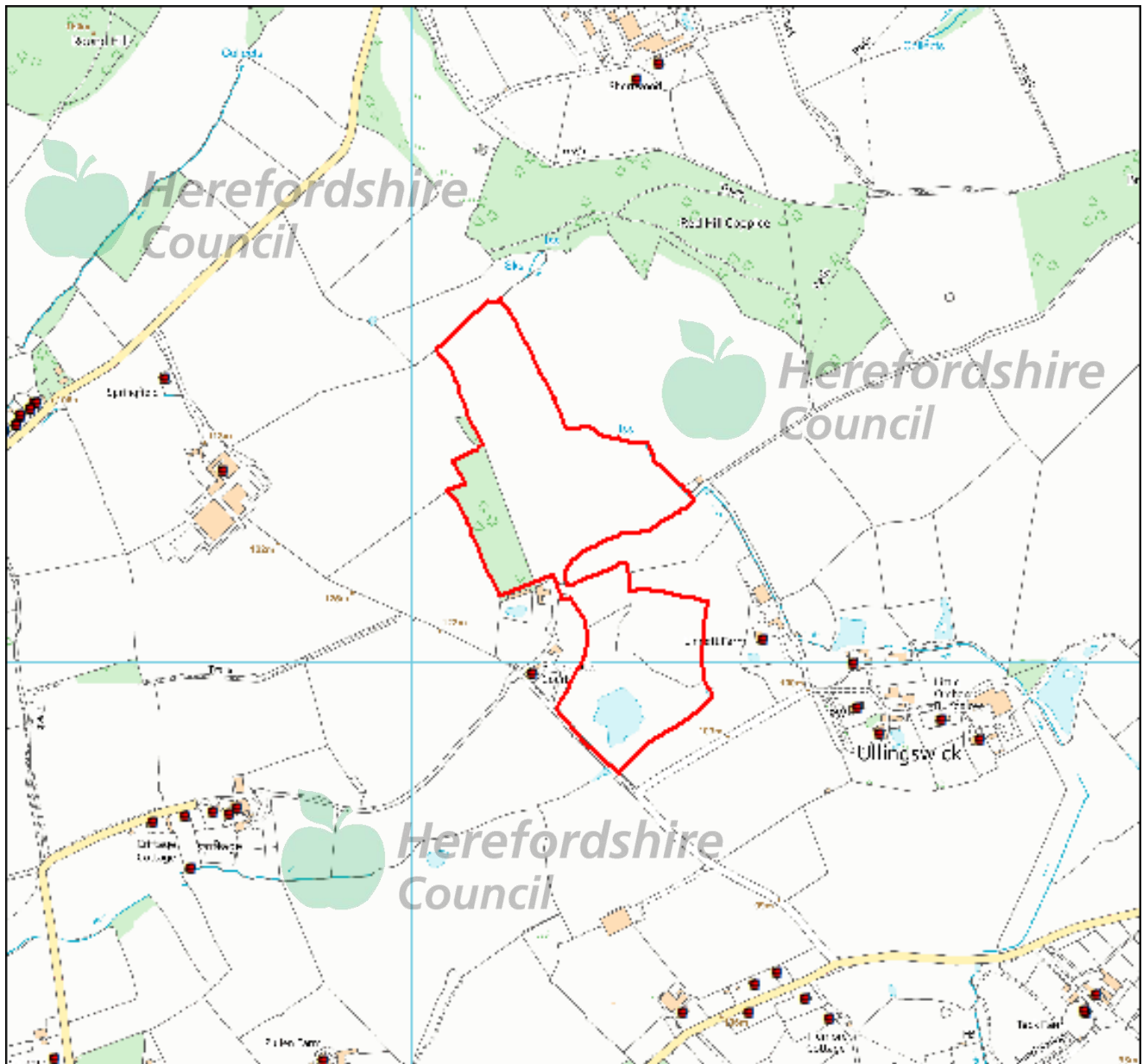
3. **I11 – Mud on highway**
It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
4. **I10 – Access via public right of way**
Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.
5. **I33 – Ecology General**
The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000. The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.
6. **I65 – Surface Water Drainage and Waste Disposal**
The attention of the applicant is drawn to the terms of Condition 9 above which requires measures to be undertaken that may be above the minimum standards set out in the Building Regulations Approved Document Part H Drainage and Waste Disposal.
7. **INS – Non-standard informative**
The local planning authority advises the applicant that if there is a requirement to carry out works in the highway, one should see the various guidance on Herefordshire Council's website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>”

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202412

SITE ADDRESS : FLOW HOUSE - LAND NORTH OF SHEPCOTT COURT, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ

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