

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

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

Ward: Birch

Grid Ref: 347998,227997

1. Site Description and Proposal

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

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

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

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

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

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

2.3 National Planning Policy Framework 2021 (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

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

a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

3. Planning History

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

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 Natural England

NO OBJECTION

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

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

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

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

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

4.1.2 Welsh Water – no objection

SEWERAGE

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

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

WATER SUPPLY

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

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

4.2 Internal Council Consultations

4.2.1 Local Highways Authority – no objection

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

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

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

The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

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

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

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

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

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

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

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

Notes in respect of HRA:

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

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

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

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

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

Habitat Regulations (River Wye SAC) – Foul Water

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

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

Habitat Regulations (River Wye SAC) – Surface Water

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

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

Additional ecology comments.

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

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

Wildlife Protection Informative

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

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

Nature Conservation – Biodiversity and Habitat Enhancement

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

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

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

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting except low power, 'warm' LED lighting in directional down-lighter luminaires, on motion operated and time-limited switches directly required in relation to the immediate safe use of the approved holiday accommodation be installed or operated and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

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

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

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

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

4.2.3 PROW – no objection

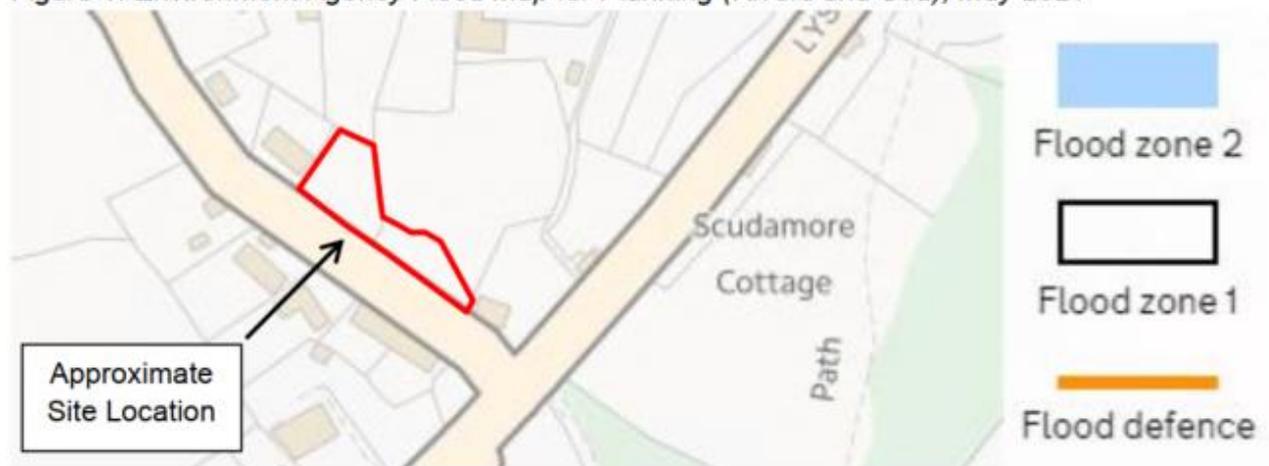
4.2.4 Land Drainage – no objection (latest comment)

Previous comments available at:

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

Site Location

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



Overview of the Proposal

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

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

The topography of the site slopes down to the south east

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1.

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

Table 1: Scenarios requiring a FRA

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

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

Surface Water Flood Risk

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

Other Considerations

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

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

Surface Water Drainage

The Applicant has provided details on how surface water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). A 13m x 1m x 0.8m soakaway is proposed to discharge roof surface water runoff located 5 m from building foundations. The soakaway has been sized based on a lowest recorded acceptable infiltration rate of 1×10^{-5} mm/hr, with invert levels and pipe diameters also detailed.

Foul Water Drainage

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

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

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

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

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

Overall Comment

We have no objections to the proposed development.

We highlight to the Applicant the following informative:

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

5. Representations

5.1 Orcop Parish Council – objection

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

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

5.2 Adj. Much Dewchurch Parish Council – no objection

MDPC has no objection to this application

5.3 Public Representations

Objections
(20 letters of objection from 16 individuals)

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

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

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

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

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

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

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

6. Officer's Appraisal

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

Policy context and principle of development

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

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

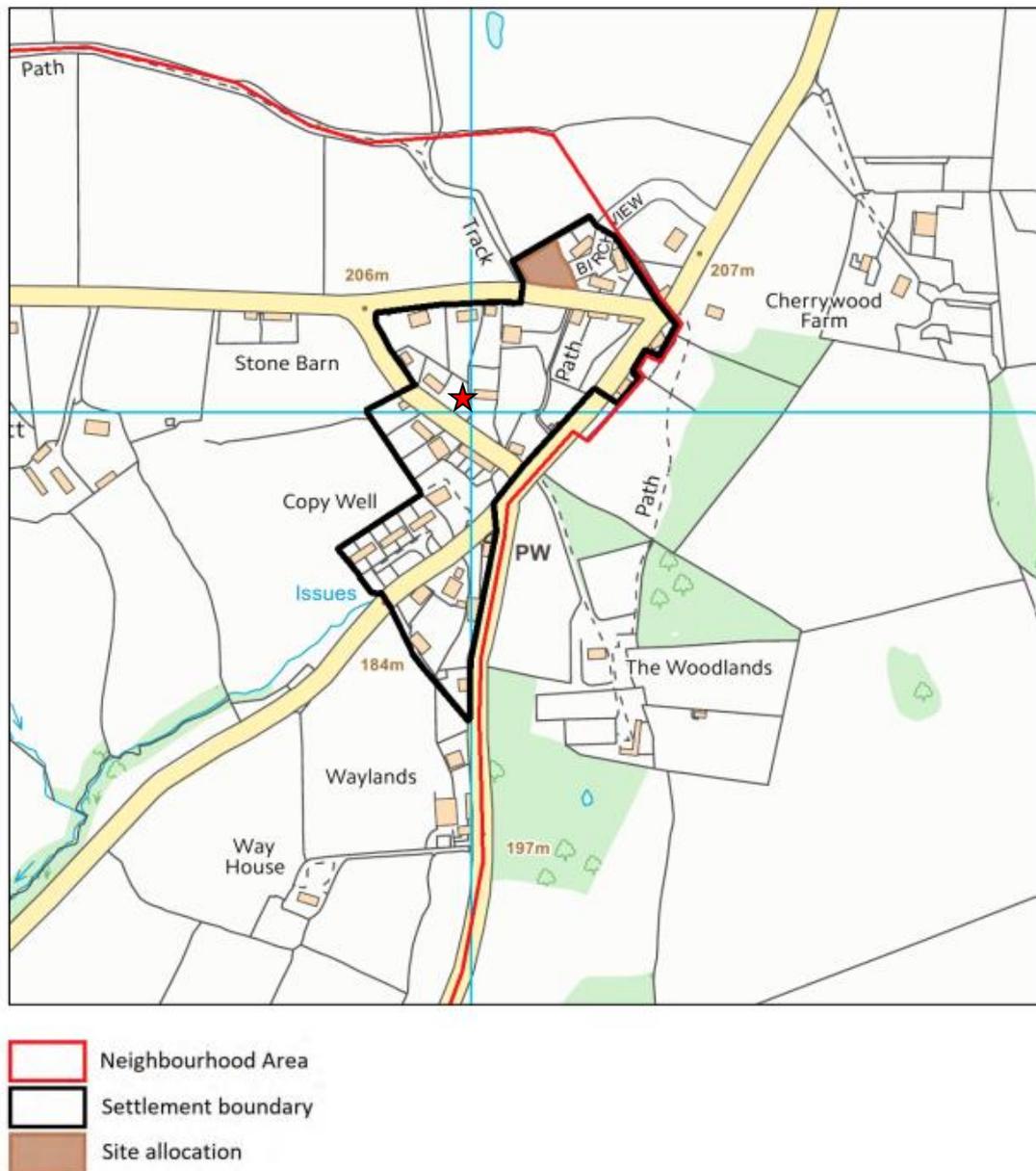
6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial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

6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Orcop Neighbourhood Area, which published a draft Neighbourhood Development Plan (dONDP) for Regulation 14 consultation completing on the 31st January 2022. Considering the criteria set out at paragraph 48 of the NPPF: the plan is at an early stage of development and has not undergone independent examination, it is unclear whether there are unresolved objections at present as an updated plan has not been publishing following the initial Reg 14 consultation, no independent examination has occurred with regards to the consistency to the NPPF. Overall given the stage of develop that the draft plan is at it is Officer’s opinion that only limited weight should be attributed to the dONDP.

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

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

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



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

Design and visual impact

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

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

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



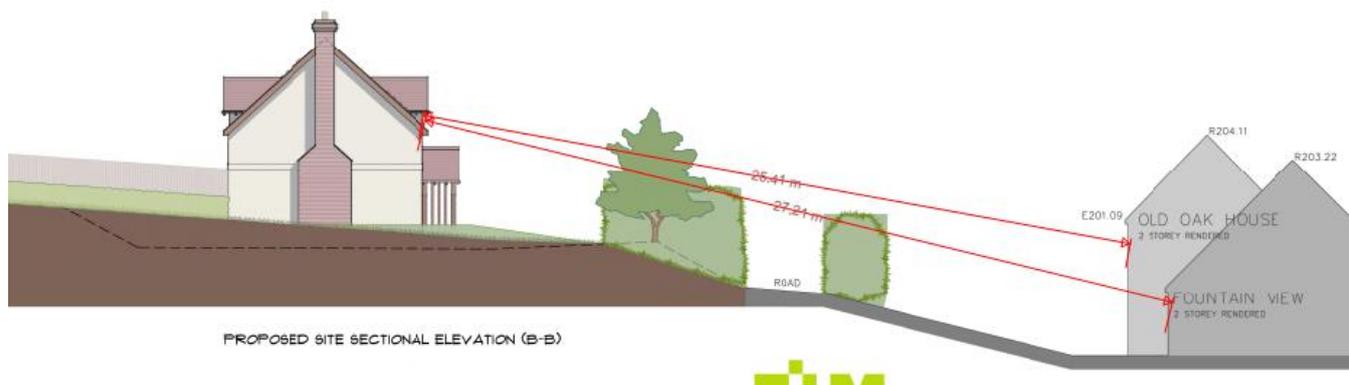
- 6.14 The policies contained within the CS nor dONDP do not seek to enforce strict design codes or guides and instead refer to maintaining local distinctiveness through the incorporation of architectural detailing and appropriate materials. The design and chosen material pallet is similar to that approved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

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

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

Residential amenity

- 6.16 Policy SD1 of the CS states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.17 Given the topography of the site and the surrounding land the dwelling will be elevated above both the public highway and the dwellings on the opposite side of the highway. This is clearly shown in the proposed cross-section, copied below for reference:



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

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

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

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

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

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

Highways and transport

- 6.26 Policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.
- 6.27 The proposed vehicular access to the site utilises the existing shared access to The Trees. This arrangement has been reviewed by the Local Highways Authority Engineer who confirmed that it was an acceptable arrangement that would not lead to an impact upon highway safety.
- 6.28 The proposed site layout provides for parking for 3 vehicles and turning on site so that cars can enter and exit in a forward gear. The level of parking accords with the scale of the dwelling and no objection was received from the Highways Engineer on this matter.

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

Climate change

- 6.30 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.31 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.32 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.
- 6.33 The agent has submitted a completed Climate Change checklist which states that a number of measures listed within the checklist will be provided this includes air source heat pump and electric vehicle charging point. In addition matters of orientation and thermal efficiency have been considered.

Drainage

- 6.34 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.35 With regards to foul water this is supported by the emerging dONDP at Policy ORC5. This policy seeks to ensure all planning applications include full drainage details, assessment of likely ground conditions, water table including the seasonal variations, testing to demonstrate infiltration is

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

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

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

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

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

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

Habitat regulations assessment

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

Ecology

6.41 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

- 6.42 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.43 The application is supported by a Preliminary Ecological Appraisal undertaken by Wydean Ecology dated 27 July 2020. This has been reviewed, along with details of the site and relevant ecological records by the Council's Ecologist. The Ecologist has stated there are no immediate ecology related concerns and that the PEA is relevant and suitable for the proposed development. The developer will be reminded of their own legal duty of care for wildlife.
- 6.44 Conditions have been recommended by the Ecologist to gain biodiversity net gain enhancements across the site, ensure that external lighting is strictly controlled and secure protection for the existing hedgerows on the site. All of these form part of Officer's recommendation.

Housing mix

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

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

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

Source: Housing Market Model and Modelled Outputs, Appendix A

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

Conclusion and balance

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

guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means “approving development proposals that accord with an up-to-date development plan without delay”. Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. At this time the Development Plan comprises the CS. The proposed development is considered to accord with the Development Plan, as set out above, this is because the application site is located within an identified settlement that is to be the main focus of residential development during the plan period. The dONDP is a material consideration but can only be attributed limited weight, as set out above. The scheme is considered to accord with the spatial strategy for residential development set out in the dONDP.

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accommodation be installed or operated and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

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

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

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

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

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

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

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

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

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

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

INFORMATIVES:

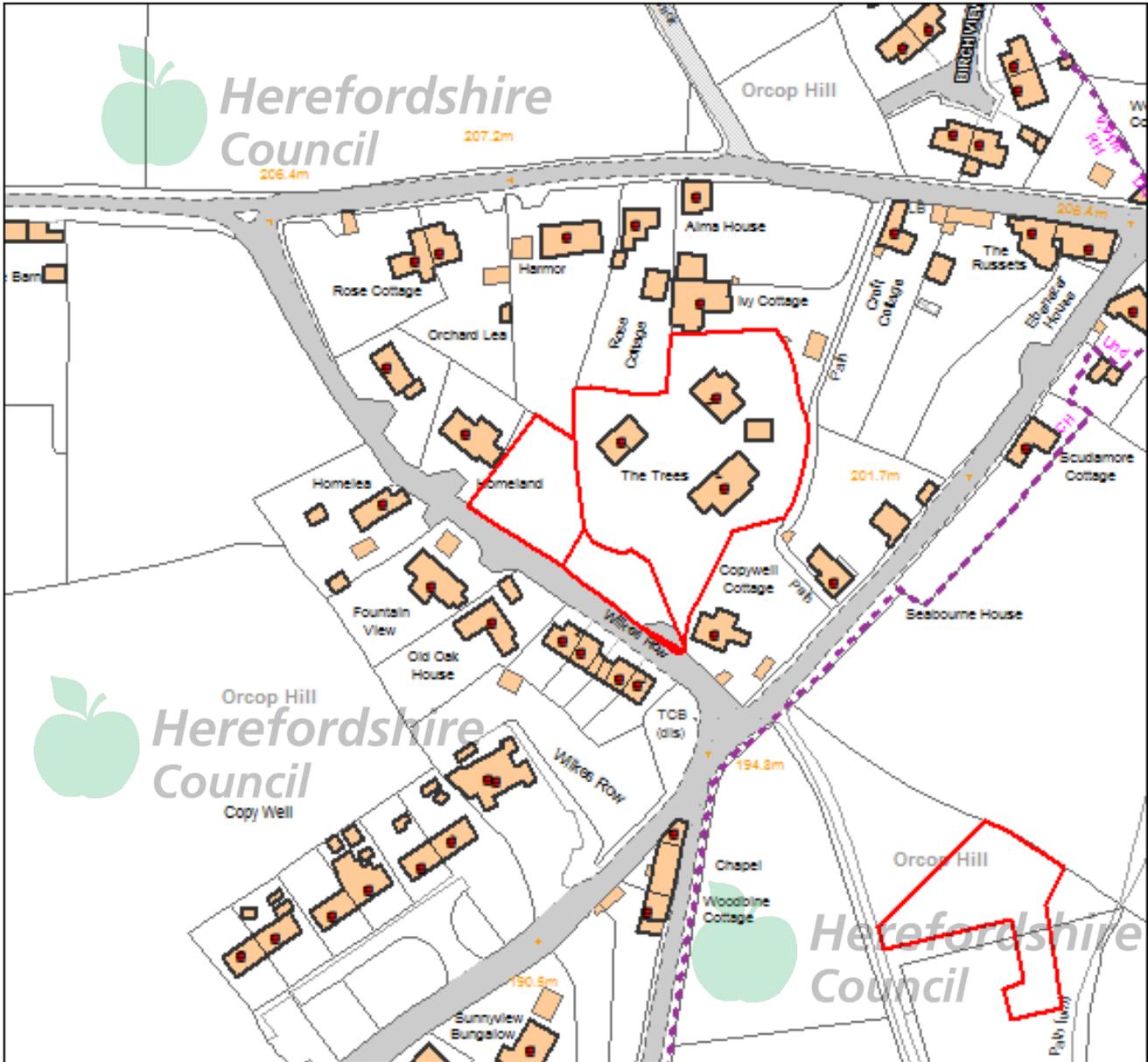
- 1. IP2 – Positive and proactive working following amendments**
- 2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 211049

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

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