

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 March 2024</b>
<b>TITLE OF REPORT:</b>	<p><b>213413 - PROPOSED ERECTION OF A DWELLING OF OUTSTANDING DESIGN AND ACCOMPANYING WORKS, INCLUDING A NEW ACCESS, EXTENSIVE LANDSCAPING, BIODIVERSITY IMPROVEMENTS, AND DRAINAGE ARRANGEMENTS AT GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ</b></p> <p><b>For: Mr Yardley per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213413&amp;search-term=213413">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213413&amp;search-term=213413</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 7 September 2021**

**Ward: Hope End**

**Grid Ref: 376630,242890**

**Expiry Date: 11 February 2022**

Local Members: Cllr H Heathfield

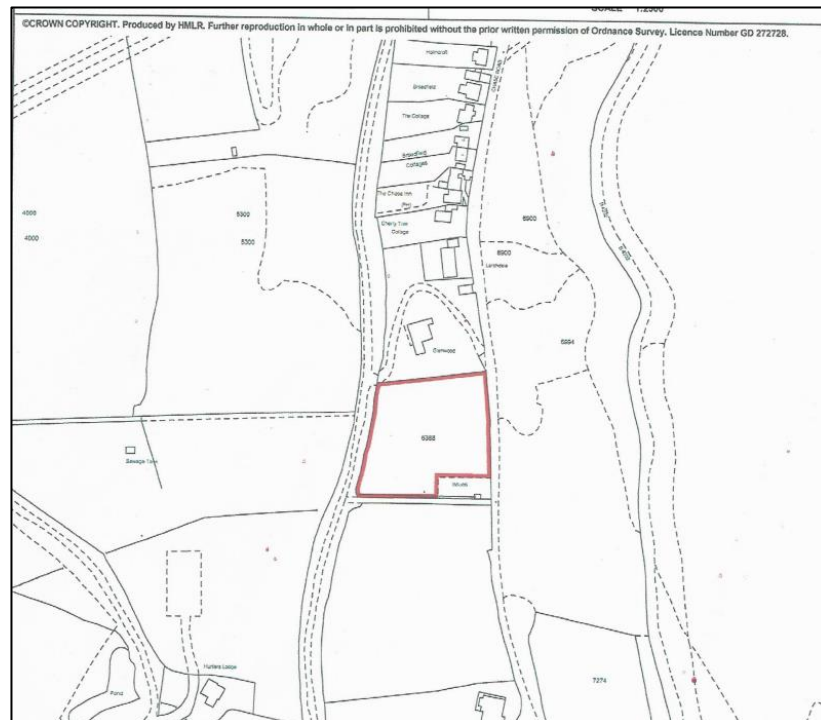
## **1. Site Description and Proposal**

- 1.1 The application site is located to the immediate south of Upper Colwall, close to the county border with Worcestershire. It is located entirely within the Malvern Hills National Landscape (formerly the Malvern Hills Area of Outstanding Natural Beauty), which is also designated as a SSSI. It comprises a broadly rectangular shaped former paddock approximately 0.5ha in area which slopes down from Chase Road (east) to Ballards Drive (west). It is evident that the site has been unmanaged for many years and is currently overgrown with brambles. Similarly, boundary trees and hedgerow are also overgrown and unmanaged.
- 1.2 The site is bounded by Chase Road to the east and Ballards Drive, a private drive and bridleway, to the west. The eastern boundary with Chase Road is heavily treed with tall sycamores and an unmanaged hedgerow. There is also an old metal pedestrian gate from Chase Road onto the site. A public right of way runs along the southern boundary which runs east-west along the outside of the fence line. A stream and ditch are to the immediate south and west of the site respectively, following the line of the site boundaries.
- 1.3 There is currently no formal access to the site other than the pedestrian gate onto Chase Road. To the north of the site, and closer to the junction of Chase Road and Jubilee Drive, is the Chase Inn, and a small group of detached dwellings, all of which are of a uniform architectural style – C19th painted stone cottages with slate roofs. A dwelling known as Glenwood; a large C19th two storey property is to the immediate north of the site. It sits within heavily vegetated grounds and is largely obscured from view from Chase Road and Ballards Drive. Beyond the site, and further south, are Chase Wood House and Woodlands. Both are more contemporary styled dwellings,

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

likely dating from the mid to late C20th – brick and rendered properties respectively under tiled roofs and set within large curtilages.



*Location Plan (Extract)*

- 1.4 The application proposal is described as being for the erection of a dwelling of outstanding design and accompanying works, including a new access, extensive landscaping, biodiversity improvements, and drainage arrangements. The submission had followed detailed pre-application advice and discussion with officers, with inputs from disciplines including landscape, ecology, drainage and highways. The applicant has also sought the views of the parish council and (at that time) the AONB unit prior to submission and also submitted their initial design to the Design: Midlands Review Panel for their critique.
- 1.5 The plans have evolved through the pre-application, and have been further amended to respond to consultation responses over the planning application process. The submission is supported by a suite of documents which include the following. Some have been amended through the application process to reflect changes that have been made to the scheme:
- Plans and elevations
  - Planning Design & Access Statement
  - Design Statement
  - Energy Statement by Hydrock
  - Completed Climate Change Compliance Checklist
  - Computer Generated Images
  - Photomontages
  - Landscape and Visual Appraisal
  - Environmental Colour Assessment
  - Landscape and Ecology Strategy
  - Ecological Statement
  - Foul Drainage Design and Surface Water Management Strategy
  - Tree survey
  - Transport Note and Access Drawing

1.6 Some visual representations of the scheme are shown below:

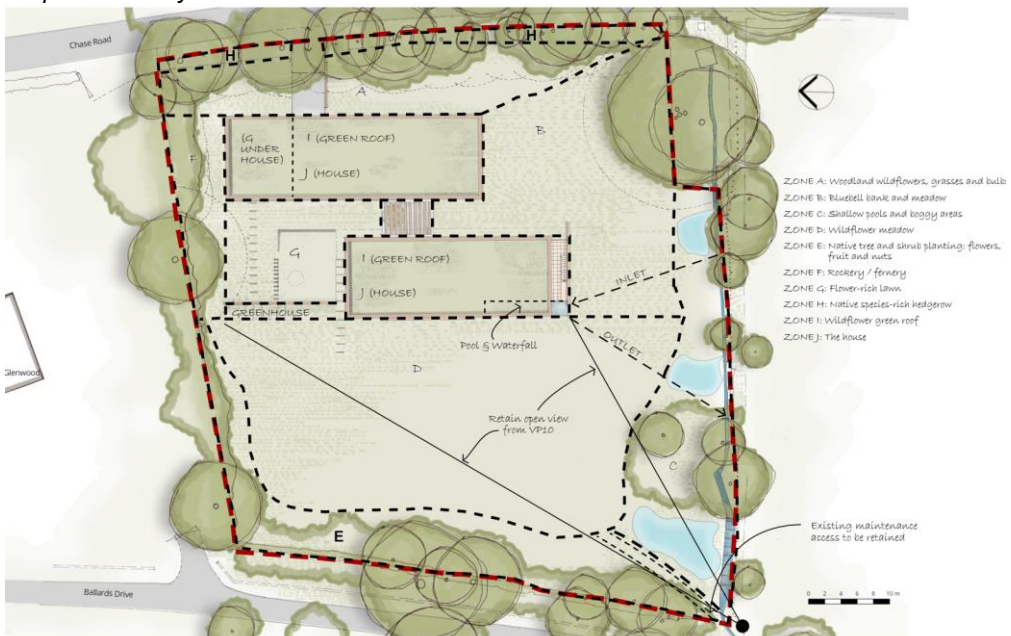
View looking north east from Chase Road



View looking east at the principal elevation



Proposed site layout



## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy**

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  
H3 – Ensuring an appropriate range and mix of housing  
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  
SD2 – Renewable and low carbon energy  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

The HCS policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **2.2 Colwall Neighbourhood Development Plan**

CSB1 - Colwall Settlement Boundary  
CD1 - Protecting Exceptional Key Views  
CD2 - New Residential Development  
CD8 - General Design Principles for Development in the Countryside  
CRE1 - Renewable Energy Schemes

### **2.3 National Planning Policy Framework**

Sections:

2 – Achieving sustainable development  
4 – Decision-making  
6 – Building a strong, competitive economy  
8 – Promoting healthy and safe communities  
9 – Promoting sustainable transport  
11 – Making effective use of land  
12 – Achieving well-designed and beautiful 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 revised NPPF sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed through the following link:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### **2.4 Planning Practice Guidance**

Planning Practice Guidance can be viewed through the following link:-

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

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

## 2.5 **Malvern Hills AONB Management Plan 2019-2024**

Chapter 1 – Landscape (Policies LP1, LP2, LP3 and LP4)

Chapter 3 – Biodiversity (Policies BP1, BP2, BP3, BP4 and BP5)

Chapter 4 – Historic Environment (HP1, HP2 and HP3)

Chapter 7 – Built Development (BDP2, BDP4, BDP5, BDP11, BDP13)

Chapter 9 – Transport and Accessibility (Policies TRP1, TRP2)

Chapter 10 – Recreation and Access (Policies RP1, RP2, RP5, RP6)

The Malvern Hills AONB Management Plan can be viewed through the following link:-

<http://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/08/19-24-MHAONB-ManagementPlan.pdf>

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the proposal is following section – Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty; Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONB and Section 85 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’

## 3. **Planning History**

3.1 There is no planning history relating to the site

## 4. **Consultation Summary**

Statutory Consultees

### 4.1 Natural England – No objection

(Response received 30 March 2023)

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

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- The recommendations set out in Section 6.3 of the Ecological Appraisal.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

### **Malvern Hills Site of Special Scientific Interest**

Further to our previous response to this proposal, Natural England met with the developer and their consultants on 10 March 2023. We discussed the nature of the proposal, the potential for impacts on the Malvern Hills SSSI, and have subsequently been sent an update copy of the Ecological Surveys.

The sections that have been updated are:

5.3.1 c) ii) Bat Foraging and Commuting - on pages 54, 55, 56 and 57,

5.3.1 e) Hazel Dormouse - on pages 59, 60 and 61.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

Natural England welcomes the additional explanation provided, including on why impacts have been ruled out.

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Section 6.2 of the Ecological Appraisal.

#### 4.2 Severn Trent – No objection

We have no objection to the drainage proposals, being: surface water to watercourse (will need to be discussed with the LLFA by yourselves) and foul sewage to the public foul sewer (this will be subject to S106 sewer connection approval with STW, details below) subject to the proposals not changing. If they do change, we would request we are re-consulted immediately.

#### **Internal Council Consultees**

#### 4.3 HC Built and Natural Environment Team (Landscape) – Qualified comments

I have reviewed the information dated December 2022. I confirm that I attended the meeting where the information was presented by the applicants in November 2022 and I requested the LVA addendum (which did not form part of the meeting).

**Design changes** - The proposal information is more clearly presented than at the start of the application. The building design has changed in external appearance, so that there is less solid stone walling and softer effects of the timber cladding. The landscape scheme and site layout has changed to create a more useable designed garden around the house, visually connecting the internal and external water features and increased the size of play area and hard surfacing near the house. The drawing 'Landscape and Ecology Detailed Design Plan SKv2' now shows more detail of how the existing boundary vegetation will be retained and the proposed changes will respect this with additional native planting. It is the internal areas, closest to the new building that will accommodate the level changes, new micro-climates and residential uses. It is clearly marked where there are outdoor areas to sit, play and grow, plus the short areas of meadow marked B will also likely be for outdoor amenity use.

**Landscape and visual impact** – It is agreed with the LVA addendum that the design adjustments do not alter the overall landscape character impact. They remain as being negligible and minor negative in respect to the context, and moderate negative change to the character of the site and immediate surrounds.

It is agreed with the LVA addendum that the design adjustments do not alter the visual effects on long or mid distance views towards the site. The effects at these distances will remain as neutral to minor negative.

The main visual concern is the effect on the closest views from the three site boundaries that have public access. It is agreed that the design adjustments have decreased the visual effect from view point 10 from major negative down to moderate negative, due to the more definite boundary between the usable garden areas and the meadow and the reduction in solid stone walling to the building, which means it presents a softer view and integrates more subtly with the site.

The LVA addendum asserts that the visual effect from view point 4, half way along the public footpath on the southern site boundary, will change from a moderate / major negative to moderate / major positive. This is due to the east west views (VP4A) being enhanced with more native boundary planting and the northern views (VP4B) being users of the footpath who actively choose to look through the small gap into the site and would enjoy looking at the new house and gardens.

**Conclusion** – The overall landscape effect of this development remains a very fine balance. There would be enhancement through the landscape and ecology scheme, however this is at the detriment of the change of use to residential and the introduction of new built form in the currently open paddock. The negative character and visual changes will only be experienced at a site scale, with neutral to minor impacts to the wider setting or distant views.

Considering the proposal in relation to Core Strategy Policy LD1, the application meets three out of the four bullet points.

- It has demonstrated that the character of the landscape has positively influenced the design of the building and that the nature and site selection does protect the setting of Colwall.
- It does not meet the second bullet point because the AONB requires such high standards compared to elsewhere in the county, the fact that the building is larger than necessary (due to the bulk of the western wing) and the fact that the LVA and LVA addendum both find a majority of negative local impacts in terms of both character and views.
- The application does include a new landscape scheme and management proposals, as required by bullet point 3
- It does maintain and extend tree cover around the boundaries, as required by bullet point 4.

#### 4.4 Built and Natural Environment Team (Ecology) – No objection

##### Original comments 21 June 2022

The site is within approx. 12m of Malvern Hills Site of Special Scientific Interest (SSSI). This immediate proximity triggers that the LPA fully consider all potential effects from the proposed development on this National Network site (Site of Special Scientific Interest) and ensure there will be adverse effects on the integrity of the SSSI status PRIOR to any planning permission being granted. Natural England will also have to return a formal no objection response in respect of the SSSI. – The Malvern Hills is also a Special Wildlife Site – which is also a required consideration for the LPA but in this instance is covered within the required considerations for the higher status SSSI designation.

##### **Potential Ecological Issues:**

The Ecological Appraisal report by Udall-Martin Associates dated July 2021 is noted and refers.

While the habitats recorded on the proposed development site are generally common low-grade habitats, which individually are considered to be of low ecological value together they provide a mosaic of habitats, including mature outgrown hedgerows, trees and bramble scrub, associated with tall herbs, grassland and watercourses. The EA noted the key ecological points as potential damage/disturbance to nearby SSSI/, loss/disturbance/ damage to habitats on the site, spreading non-native shrubs on and off the site, loss and disturbance to native bluebell, loss/disturbance to bat foraging and commuting habitat, harm, injury and disturbance to hazel dormouse and loss of dormouse habitat, harm to nesting birds and loss of bird nesting habitat and harm and injury to reptiles (and common amphibians) and loss of reptile habitat.

While 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 application or include a specific ecology protection condition. However a relevant information note is requested:

### **Construction Environmental Management Plan**

While adverse impacts to the SSSI in the close vicinity (and beyond Chase Road) are considered unlikely due to the nature of the proposed development works, due to the close proximity to the site the EA recommends precautionary mitigation measures – these should be adopted in full within a Construction Environmental Management Plan (CEMP). The CEMP should be provided before any work (including site clearance) or equipment and materials are moved on to site and should include a full Ecological Working Method Statement and a specified ‘responsible person’, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

#### Additional comments received 5 June 2023

- The formal comments by the Statutory Nature Conservation Body (Natural England) ref 427491 dated 30 March 2023 are noted and refer.
- The updated Ecological Appraisal by Udall-Martin Associates dated July 2021 (and as referred to by Natural England) are noted and apply

The LPA has no reason disagree with the comments made by Natural England following their recent visit to the site, discussions with the applicant and their ecological consultants and review of all supplied plans and information (10 March 2023). Natural England had “NO OBJECTION” subject to conditions being implemented on any planning permission granted to secure the detailed recommendations for working methods, mitigation, compensation and biodiversity net gain and the protected species licence requirements as identified in Section 6 of the ecological appraisal.

From available information and with SNCO guidance received, the LPA has no reason to consider that the proposed development would be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

Natural England may still require additional species specific/update surveys as part of their licencing process.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species present around the location and using the buildings for roosting. A condition to ensure all external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice will be requested.

#### 4.5 HC Built and Natural Environment Team (Trees) – No objection

The proposed development of a single dwelling is compliant with LD1 & LD3 from an arboreal perspective.

The impact on existing trees is low in proportion to the overall number that are included on the site. The proposed access requires some felling but these are mostly self-set sycamores of low quality.

#### 4.6 Transportation Manager – No objection



## Original comments received 26 October 2021

The local highway authority (LHA) need to understand how the bridge and any retaining structures would interact with the adjoining highway land, for example, how would the earth works supporting Chase Road continue to be supported? Further details regarding the engineering aspect of the bridge and its relationship with highway land and Chase Road are required for the LHA to be able to provide a recommendation.

The visibility splays are considered to be acceptable, as is the level of car/cycle parking, although consideration should be given as to where additional visitors/teenage children would park given the high number of bedrooms.

The first 5m of the access off Chase Road should have a bonded surface such as tarmac, gravel is not acceptable for the first 5m. Gates should also be set back at least 5m from the edge of the carriageway and open inwards (or slide across but not open outwards towards Chase Road).

## Additional comments received

Further to the information submitted regarding the retaining of the highway the local highway authority has no objection to the application subject to an AiP (Approval in Principle) being a condition of any planning consent being granted.

### 4.7 Public Rights of Way Officer - No objection

Public footpaths CW32A and CW34 are just outside the site boundary. Providing they remain unaffected by the development, PROW have no objection to the application.

### 4.8 Land Drainage Engineer – No objection

#### *Fluvial Flood Risk*

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

#### *Surface Water Flood Risk*

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

#### *Other Considerations and Sources of Flood Risk*

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. We recommend that the threshold levels are raised slightly to prevent ingress.

If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems. Review of the EA's Groundwater map indicates that the site is located on the boundary of Zone 2 of a designated Source Protection Zone, however this is up gradient of the site.

#### *Surface Water Drainage*

We understand that the proposals involve the creation of 730m<sup>2</sup> of hard standing which would increase surface runoff to the area. There is no clarification on the permeability of the proposed paving which is to be used for the driveway and parking area. We assume from Table 2 within the Drainage Strategy that these areas will be permeable and drain naturally

Table 2: New impermeable areas

Feature	Area (m <sup>2</sup> )
Dwelling	680
Access Road	50
<b>Total Area</b>	<b>730</b>

We note the Applicant proposes an attenuation tank as part of the surface water drainage strategy as the topography of the site is not conducive with an attenuation pond. Infiltration testing resulted in shallow groundwater levels and poor infiltration rates.

The attenuation tank has been sized appropriately for a 1 in 100yr plus 40% climate change event and is designed to have a surface area of 25m<sup>2</sup>. The tank will discharge via gravity at a controlled rate of 2l/s through a 63mm orifice to the drainage ditch running along the southern site boundary.

We note that the proposed surface water drainage strategy will not affect the existing drinking water pump system or the water main running parallel to the watercourse.

#### *Foul Water Drainage*

We note that the Applicant proposes to connect the proposed development to an existing STWL foul sewer in Ballard's Drive. Correspondence with Severn Trent has been provided and confirms that a connection to the sewer is viable. As the proposals are for one dwelling, there is likely to be a minimal impact on the sewerage network.

#### **Overall Comment**

We hold no objections to the proposed development.

#### 4.9 Environmental Health & Trading Standards (contaminated land)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

Our records indicate a quarry to the east of the development site, given it's not part of the development parcel and on the basis that our records don't indicate it to have been filled, we would recommend the precautionary note below be appended to any approval.

### 5. **Representations**

#### 5.1 Colwall Parish Council - Objection

Strongly objects to the proposed for the reasons summarised below;

- It would cause undue harm to the AONB contrary to NPPF 176. It does not enhance the landscape nor the scenic beauty of the AONB.
- It lies outside the Settlement Boundary.
- There is no need for the house and particularly one of its size.

- It fails to satisfy NPPF paragraph 80 (e) in that it is not; truly outstanding, nor *sensitive to the defining characteristics of the local area*
- *It fails to satisfy NPPF paragraph 134 in that it is not; outstanding or innovative or promote high levels of sustainability*

Please refer to the full report and supporting documentation for all the details supporting this objection:

<https://myaccount.herefordshire.gov.uk/documents?id=d643db53-9ba0-11ec-843f-0050569f00ae>

## 5.2 Malvern Hills Trust - Objection

Object to the application on the following grounds:

### **Visual Impact**

We note that no further amended or updated version of the Visual Impact Document has been lodged with Herefordshire Council. Our previous comments on the visual impact of this proposal remain as before. That, on balance, the overall effect of the proposed development would be detrimental to the natural aspect of the hills.

This is reflected in the applicants VIA document which assesses the visual impact on 13 of the 14 receptor sites as being either Neutral (5) or in one of the Negative Impact classes (8).

### **Consideration of SSSI and off-site protected species**

We note that the applicant or their agent has made contact with Natural England since our last comments were submitted, with regard to protected species and potential impacts on the close proximity SSSI. The subsequent amended comments from Natural England of 30 March 2023 have been noted.

### **Access and parking**

The applicant has contacted us separately to inform us that the ecological appraisal report has been updated to cover issues of unlawful parking on the Trusts verges along Chase Road.

However, on inspection we note the amended wording of the ecological appraisal document does not appear to have addressed the issue of vehicles and parking. The amended wording considers only the storage of materials.

The amended report therefore does not address our concerns about the potential impacts caused by vehicles parking or turning into the development site – particularly during the construction phase – on those Trust owned verges on the east side of Chase Road. These verges are protected under the Malvern Hills Act, and are part of the SSSI area. Therefore our concerns regarding parking and access remain as before.

## 5.3 Malvern Hills AONB Unit (Now Malvern Hills National Landscape) - Objection

We note that some of the minor details raised in earlier comments have been addressed, however we continue to believe that the development does not meet the requirements of para 134 i.e. that the development: *'reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes' and/or is of 'outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

It is the NPPF's intention that constructing new buildings within protected landscapes should only be done under exceptional circumstances. As stated previously, to meet the very high bar set by

para 134 it is generally accepted that developments should be out of the ordinary, unique, push the contemporary boundaries of construction and design methods and celebrate the local distinctiveness of the area. In addition, the need for sustainability underpins the NPPF and para 134 developments should demonstrate not just energy efficiency but state of the art technologies and new products which push the sustainable housing envelope in ways which are new and innovative.

The design for Glenwood Springs does have merits but the proposed building is very similar in design to others nearby, uses existing design methodology and technologies, retains an exceptionally large footprint and does not add to the sense of local distinctiveness. We continue to liaise with planning and design colleagues from other AONB's on matters such as this and remain convinced that applications approved under para 134 (which are few) in protected landscapes should be exceptional. In comparison to those approved elsewhere in protected landscapes we feel that this is not an exceptional development and we disagree with the applicant's assertion in their recent letter that a high-quality design and build is 'enough' for approval.

In objecting to this proposal we would re-iterate that the AONB Unit is not opposed to new development within the AONB providing it really does enhance the AONB and meet the criteria set out for these exceptional sites. To that end we have recently assessed a proposed development elsewhere within the AONB (planning ref 222077) for a new dwelling in the countryside which we feel is both unique in design and highly sustainable and consequently have made no objection.

#### • **Biodiversity and effects on the nearby SSSI**

We continue to have considerable concerns about the proximity of the site to the nearby SSSI . We believe the distance to be much smaller than suggested in responses to the application. As noted by others there are a number of mobile scheduled species which are on the site boundary which should receive the highest protection. We do not feel that the information provided addresses this, being largely focussed on the development site itself. We also question the length of existing hedge needing to be removed in order to comply with visibility splays as this is part of an important buffer to the SSSI and plays a role particularly for bats and dormice.

We remain unconvinced about the 'garden' aspects of the site. The house has a very large footprint, allowing a relatively small area in which to create compensatory biodiverse habitats and the 'mosaic' of small habitats suggested seem impractical to both create and manage.

The zoning of the garden area now seems more sensible in terms of family use but will further 'domesticate' the site – something which we are particularly keen to avoid.

We welcome the attempt to bring the water elements of the site into public view but again would query whether this will result in the 'neatening' and domestication of the site, noting, for example that the existing brambles along the waterway will be cleared and '*planted with marginal plant species to develop into a natural riparian habitat*'.

We believe that the Ecological Assessment Report focuses largely on the site itself rather than considering it in context. We would hope that comments made by other conservation organisations familiar with this site and those of experienced local ecologists will be taken into consideration.

We note that the recently submitted Environment Agency comment states that there would be no significant impact on the Malvern Hills AONB. Having queried this we understand that this comment is being re-assessed.

## • Visual Impact

We note that the revised LVI prepared in response to the changes made still finds that the impact at 13 of the 14 receptor sites is either neutral (5) or negative (8). This means that the development cannot be seen (as stated in the development documents) as a positive contribution to the AONB landscape.

For the reasons given above, together with those made in previous comments, we continue to object to this application and trust that our comments will be taken into consideration.

### 5.4 Herefordshire Ramblers Association

There are 2 public footpaths which run along the edge of the site CW34 and CW32A. The proposed change does not appear to have any impact on the footpaths so no objection.

### 5.5 Public consultation

Objections have been received from 19 local residents. In summary the comments raised are as follows:

- The site lies outside of the settlement boundary as defined by the Colwall NDP
- The scheme does not comply with either the Core Strategy or Colwall NDP
- Incongruous design
- The proposal cannot be described as design of exceptional quality and is not truly outstanding
- Development of the site will have a negative impact on the Malvern Hills AONB
- The development will harm the Malvern Hills SSSI
- The proposals do not satisfactorily mitigate, compensate or enhance the harms caused to protected species
- Loss of green space
- Negative impacts of construction traffic
- Loss of privacy, amenity and overlooking caused to Glenwood
- Disruption to ground may damage natural flow of water from Glenwood Spring
- Ground conditions are such that there is little prospect of draining the site to a soakaway

5.6 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=213413&search-term=213413](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213413&search-term=213413)

## 6. **Officer's Appraisal**

### *Policy context*

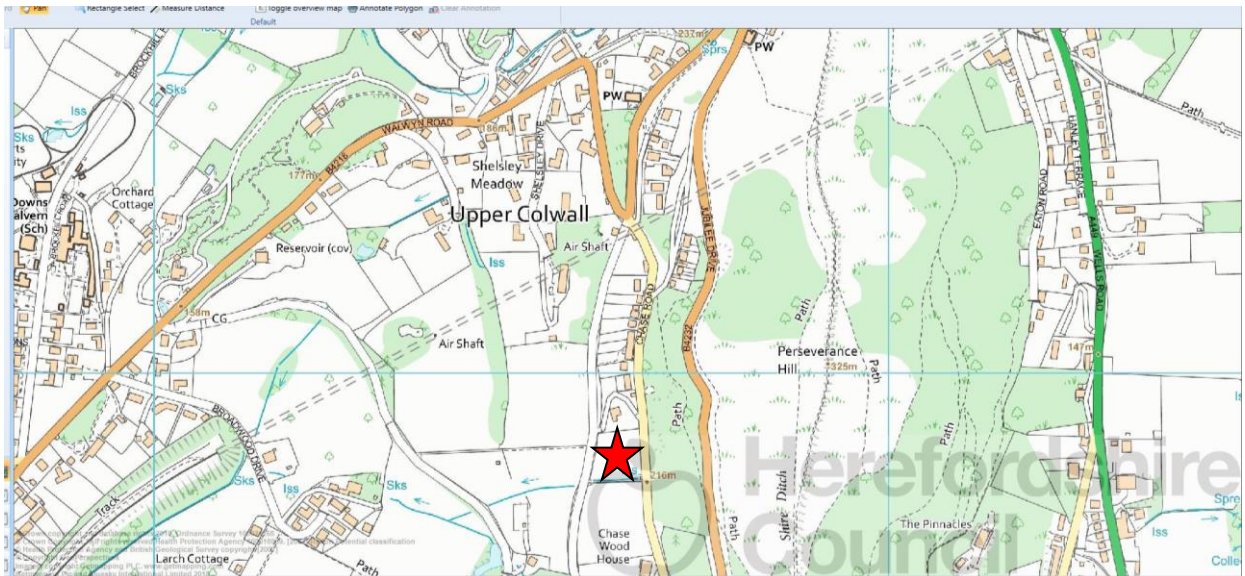
6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states as follows: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The adopted development plan comprises the Herefordshire Local Plan – Core Strategy (HCS). The Malvern Hills AONB Management Plan along with the NPPF are also a significant material considerations.

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 HCS was adopted on 15 October 2015 and a review was required to be

completed before 15 October 2020. The decision to review the HCS was taken 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. From reviewing those policies within the HCS applicable to determination of the application, they are viewed to be entirely consistent with guidance contained within the NPPF. Significant weighting can be afforded.

#### *Principle of development*

- 6.3 The Local Planning Authority (LPA) can currently demonstrate a five-year housing land supply and relevant housing policies are deemed 'up-to-date'. Proposals are considered in the context of a presumption in favour of sustainable development and the decision-making process identified at paragraph 11 of the NPPF. The NPPF also represents an important material consideration in instances where a five-year housing supply can be demonstrated.
- 6.4 In terms of housing delivery, the Core Strategy has identified the hierarchy to which the prerequisite 16,500 dwellings to be delivered over the plan period are to be directed. At the top of the hierarchy is Hereford. In the next tier, are the five market towns. Beneath those are the rural settlements identified under Policy RA2, which includes Colwall.
- 6.5 The preamble to Policy RA2 clearly states that where a NDP is not sufficiently advanced as to define a settlement boundary, applications should be determined spatially "*against their relationship to the main built up form of the settlement*". However, in this case Colwall does have a made NDP and it clearly defines a settlement boundary for the village. This is concentrated around the main aert of the village. Upper Colwall; to which the application site is locationally more closely related to, is not included within the settlement boundary.
- 6.6 Accordingly, for the purposes of a policy assessment, the site is considered to be open countryside and should therefore be considered against RA3 of the Core Strategy. Whilst policy CD8 of the NDP does refer to development in the countryside, it defers to the exceptions set out by RA3 as to when new residential development may be permitted. In this case the proposal relies on the fifth criterion of policy RA3. It potentially allows development if it; "*is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction*". Paragraph 55 relates to the original 2012 iteration of the NPPF, which is now paragraph 84(e) under its most recent December 2023 revision.
- 6.7 Paragraph 84(e) of the NPPF requires:
- that design is of an exceptional quality in that it:*
- *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.*
- 6.8 The precursor to this is that planning policies and decisions should avoid the development of isolated homes in the countryside, unless there is exceptional justification. Case law has established what the meaning of isolated is taken to be, and it is accepted by all parties that, in this case, the site cannot be considered as such. Members may take their own view of this, but, as the plan below shows, with the site identified by the red star, its close relationship with the built form of Upper Colwall can only reasonably lead one to conclude the same:



6.9 However, not being isolated is a benefit of the scheme insofar as it better relates to an established character and pattern of development. The site has a clear and obvious visual and physical relationship to the main built form of Upper Colwall, and indeed the pattern of development more widely. It would seem irrational to refuse planning permission for a scheme that complies with the requirements of paragraph 84(e) in all respects, save for the fact that it was not isolated.

6.10 Given that Members are being asked to consider this proposal as one that is of *outstanding design*, Paragraph 139 of the NPPF offers some further assistance. It says that *significant weight* should be given to:

*outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

6.11 Assessment of the principle of development relies much on the design and impact on setting, particularly in the context of the environmentally sensitive nature of its surroundings. The proposal is considered below in the context of all relevant planning matters, before reaching a view on whether it is acceptable in the context of paragraph 139.

#### *Accessibility and sustainability of location*

6.12 The site is within close proximity to Upper Colwall and is within 150 metres of the Chase Inn. It is within a walkable or cycling distance from Colwall itself, which has a range of local facilities, including Colwall railway station, which itself provides sustainable transport links to Malvern, Worcester, Birmingham, Ledbury, and Hereford. Although it is not located within the settlement boundary for Colwall, it is considered that the site has a location that offers prospective residents a genuine choice of travel modes, and so is compliant with policy SS4 of the Core Strategy.

#### *Design*

6.13 Paragraph 8 of the NPPF introduces the concept of beautiful places, explaining the social role of sustainable development embraces “*well-designed, beautiful and safe places*”. This provision is repeated throughout, and has been reinforced by the recent amendments made in December 2023, particularly now at Chapter 12 which is titled ‘*Achieving well-designed and beautiful places*’. Paragraph 131 makes clear the importance of design and beauty in achieving sustainable development, with paragraph 139 that significant weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area, where they fit with the overall form and layout of their surroundings. Paragraph 135(c) is also important in the

assessment of this proposal as it highlights a need for development to reflect local character, subject to the caveat that appropriate innovation or change should not be prevented. It is clear that the NPPF seeks to promote good design, and that local planning authorities should not seek to stifle innovation.

- 6.14 The Core Strategy also emphasises importance of design, although not in quite the same explicit terms as the current NPPF, given that it was adopted in 2015. Strategic policy SS6 requires that proposals are assessed for their impact on townscape and landscape. Policy SD1 is a criteria-based design policy which encourages development which maintains local distinctiveness. However, the policy also explains that proposals should contribute to the architectural diversity of the area, including through innovative design. Strategic Policy SS7 requires, inter alia, that design solutions are resilient to climate change. The Colwall NDP does however provide more detailed and up to date policy guidance, with policy CD8 being particularly clear about the way in which development should be informed by landscape character and topography, and through the careful choice of materials. Similar themes run throughout chapter 7 of the Malvern Hills AONB Management Plan.
- 6.15 The proposal has been designed in a manner that responds to its surroundings. It is discretely positioned amongst existing vegetation in a manner minimises its visual impact; a subject that will be discussed in greater detail later. It takes account of the surrounding landscape and takes advantage of the topography of the site to create a dwelling that integrates well and will not appear overly dominant.
- 6.16 The building is split into two, two-storey buildings joined by a central atrium which allows views across the site and allows the landscape to continue into the space between buildings. Double height circulation spaces are intended to allow for future proofing of the house, the void spaces would potentially allow for future lift provision between all floors without disruption to the layout. Bedrooms are also designed to allow future adaptation between bed space and bathroom facilities. The cross section below demonstrates the link between the main elements of the building and how they take advantage of the topography, particularly in the the part of the building closest to Chase Road will only appear as single storey:

*Cross section through the building showing the topography of the site*



- 6.17 Vehicular access is to be taken from Chase Road. The design has taken account of the potential visual impact that an area of hardstanding and parked cars might have on the wider setting of the area, and the topography of the site. Accordingly the proposal has been designed with a covered parking area incorporated into the overall design of the building. A discrete entrance will include a short, bridged access into the covered parking area. A more traditional approach would perhaps



have been to create a flat area adjacent to the building with retaining walls to inset such an area into the landscape. As proposed, this intervention is limited and surface water run off from hard surfaces is also reduced. A visual representation of the access and its appearance from Chase Road is shown below:

*Proposed access from Chase Road*



- 6.18 The submission advises that an environmental approach has been adopted as part of the design process through the use of passive devices, a fabric first approach combined with technology. Passive environmental devices include the orientation of the building. The two storey volumes integrate large overhangs, as well as deeply recessed glazing, and external sun shading louvres to prevent overheating in the summer whilst allowing the lower winter sun to penetrate deep into the building. This modelling also contributes to the reduction of light spill from the building and reflection from the glazing.
- 6.19 Furthermore, the scheme incorporates innovative technologies for energy generation and storage. This will be discussed later, but is one aspect of the scheme which, in officers opinion, does make this scheme particularly innovative.
- 6.20 Policy CD8 of the NDP emphasises the need for external materials to be non-reflective, and elsewhere for measures to be employed to limit light spill. The second of these points has clearly been considered through the recessing of window openings, but there is always a balance to be struck in terms of the amount and orientation of glazed elevations when considering passive environmental design. Officers take the view that the proposal strikes the correct balance in this regard with the deeply recessed openings that are proposed on the southern and westerly facing elevations.
- 6.21 In terms of the choice of materials, it is clear that some careful thought has already been given to this. The intention is that the wild grass roof is to be sourced and grown locally and will contain a specified mix of species to be agreed in line with our landscape and ecologist requirements. This can be suitably addressed through the landscaping conditions proposed. The submission also indicates an intention to use locally sourced quarry dust as a condiment to a lime render mix, along with locally sourced stone. The provision of sample panels on site prior to construction is mentioned in the design statement, and again, is something that can be appropriately conditioned should planning permission be forthcoming. In terms of timber cladding, the applicant has indicated an intention to use the limited amount of sycamore that would be removed to create the site entrance. The design statement advises that the sycamore

can be thermally treated to become durable for external use. This is considered to be an exceptionally sustainable approach to sourcing building materials and is compliant with CD8 of the NDP and SD1 of the Core Strategy.

- 6.22 In terms of the design of the dwelling itself, officers are of the opinion that the scheme is a one-off exceptional contemporary design. It will add to and enhance the architectural distinctiveness of the area whilst blending into the landscape, taking advantage of existing vegetation and the topography of the site. It is therefore considered that the scheme offers a design of exceptional quality that complies with policy RA3 of the Core Strategy and paragraph 139 of the NPPF.

*Innovation and addressing climate change*

- 6.23 The dwelling delivers a truly sustainable design, which is energy efficient, and includes on site energy generation and storage. Officers take the view that this ensures delivery of a scheme which responds to the Council's Climate and Ecological Emergency.
- 6.24 The proposal demonstrates a fabric first approach to development which aims to reduce energy usage. It combines passive principles, thermal massing, and air tightness to ensure that the least amount of space heating is required. The southerly and easterly aspect in concert with large openings maximises solar gain in the winter months which naturally heats the building. Energy efficient measures are also included to reduce the demand for energy use. The dwelling will have an extremely high level of insulation and will have very low air-leakage.
- 6.25 Where space heating is required, on site generation is proposed. Photovoltaic and solar thermal panels are included to provide electricity and hot water. The panels are incorporated into the design as a series of louvres integrated into the detail of the atrium roof. The louvres will also provide another benefit of shade to the atrium acting as a brise soleil to prevent overheating of the atrium itself. However, this will only be sufficient for usage in summer months.
- 6.26 The submission considers the shortcomings of these sustainable solutions for energy and hot water provision, identifying that there will be a surplus in the summer months (when the sun should be shining more and for longer periods of the day), but will not produce the same amounts during the winter months. One solution proposed is the inclusion of a scalable battery system, such as the TESLA power wall which will store energy created by the solar panels.
- 6.27 However, storing the excess heat from the solar thermal panels for use in the winter is more difficult. In order to address this, the proposal will also incorporate Earth Energy (Thermal) Banks underneath the building footprint. The intention here is that the heat generated by the panels will generate more heat than needed in the summer months and this can be pumped in the ground (Earth Energy Bank) via a series of Glycol (a heat transfer liquid). Officers consider this to be a unique and innovative solution to energy storage.
- 6.28 The outstanding design of the dwelling relies on a detailed analysis of local built and natural character. The building has a bold and innovative appearance yet is one which is a part of the landscape, and which reflects the form of its surroundings. It also utilises physical sustainability measures and on-site energy generation that aims to be self-sufficient. The The proposal also minimises building miles by sourcing materials locally. For these reasons, the proposals reflect the highest architectural standards as required by Paragraph 139 of the NPPF.
- 6.29 For these reasons, your officers consider that the proposal is genuinely highly sustainable and maximises the use of physical sustainability measures to reduce energy need. The proposed designs exceed the provisions of Core Strategy Policies SS7 and SD1, and the environmental and sustainability proposals will help address the Council's declared climate emergency.

## *Landscape*

- 6.30 The site is within the Malvern Hills National Landscape and; as the re-branding suggests, is of national importance. The primary purpose of the designation is to conserve and enhance the natural beauty of the landscape. In this respect the area's natural beauty is deemed to include its geology, climate, soils, animals, communities, archaeology, buildings, the people who live in it (past and present) and the perceptions of those who visit it.
- 6.31 The Malvern Hills AONB Management Plan (2019 – 2024) describes the AONB as follows:
- “...the special quality of the Malvern Hills lies in its contrasts. The distinctive, narrow, north-south ridge, a mountain range in miniature, thrusts unexpectedly from the pastoral farmland patchwork of the Severn Vale. The highest point is Worcestershire Beacon (425m) and walkers along the ridge crest enjoy views as far as Wales and the Cotswolds. The geological variety, and thousands of years of traditional farming have given the AONB great ecological value. Herb-rich, unimproved pastures and native woodland support a wealth of habitats, species and wildlife. In addition, a historical landscape, the ridge is crowned by two ancient hill forts, the most famous being the ditches and ramparts of British Camp.”*
- 6.32 Paragraph 182 of the NPPF requires that great weight is given to conserving and enhancing landscape and scenic beauty in AONB's with the scale and extent of development within AONB's being limited.
- 6.33 Having visited the site, and contrary to some of the representations that have been received, officers take the view that the site is not visually prominent. It is currently obscured from view from Chase Road by the existing Sycamore trees that form the site boundary. It sits in the immediate shadow of the Malvern Hills and is not visible from the top of the hills – longer distance views are over the site towards Colwall and beyond, nor when looking back towards the hills from lower levels. The photographs below show the site as viewed from Chase Road, and a long distance view from Broadwood Drive in Colwall:

*View along Chase Road with Sycamore trees and site to the right*



*Looking towards the site and Malvern Hills from Broadwood Drive, Colwall*



6.34 The site is not prominent from the public highway. However, public footpaths do run that runs alongside the southern and western boundaries from where the development would be more visible. At present, there are more open, short distance views that can be gained from the footpaths. The photograph below is taken from the south western corner of the site:

*View from public footpath at south-west corner of the site*



- 6.35 Whilst officers take the view that the principal assessment of this proposal should be on the basis of paragraph 139 of the NPPF, the requirements of paragraph 84(e) are still of relevance, and the notion that development should significantly enhance its immediate setting. This is a difficult premise to rationalise in landscape terms as it might be contended that any development detracts, and not adds to it. However, there is a balance to be struck between erecting a building of a quality which is worthy of being seen and a proposal which retains the qualities and distinctiveness of the area.
- 6.36 The application is accompanied by a comprehensive Landscape and Visual Appraisal (LVA). The LVA sets out a design process which includes engagement with stakeholders as previously set out. The detailed description of the design evolution, including design amendments in response to a meeting or receipt of advice, clearly demonstrates a highly iterative and landscape-led approach. Analysis of the effect on the landscape overlaps significantly with the landscape and architectural design considerations identified earlier in this report.
- 6.37 The scheme would deliver extensive landscape and biodiversity enhancements, mainly through appropriate planting and habitat creation which are described in detail in the Landscape and Ecology Design and Management Strategy. The proposed landscape improvements include:
- The creation of species-rich grassland including a wildflower meadow;
  - Creation of a wildflower green roof;
  - Creation of wildlife pools and boggy areas;
  - Planting of native species-rich hedgerows and shrubs including to gaps in existing hedgerows lines;
  - Planting native species trees including to gaps in the existing tree line;
- 6.38 It is also noted that the proposals introduce very little by way of hard landscaping, primarily due to the fact that car parking provision is made within the building as described earlier in this report.
- 6.39 The view as to whether the proposals represent a landscape improvement beyond the overgrown appearance of the site as it exists at present is very much a matter of judgement. The comments from the Council's Landscape Officer conclude that the overall landscape effect of this development remains a very fine balance. The officer takes the view that there would be enhancement through the landscape and ecology scheme, but that this would be to the detriment of the change of use to residential and the introduction of new built form in the currently open paddock. They also concludes that the negative character and visual changes will only be experienced at a site scale, with neutral to minor impacts to the wider setting or distant views.
- 6.40 The incremental effect of small developments, such as single dwellings, can encroach on and erode the landscape features and special qualities of designated landscapes. However, in this case, the application demonstrates that the character of the landscape has positively influenced the design and there is a suitable balance of scale between the change to residential use and the landscape enhancements provided across the site. The scheme has an outstanding and unique design which responds to and is wholly influenced by its landscape setting and the character of the local built environment as previously outlined. On balance, the proposal will be a positive but discreet element in the landscape and it is concluded that the proposals accord with policies LD1 and LD3 of the Core Strategy, CD1, CD2 and CD8 of the Colwall NDP and Chapters 12 and 15 of the NPPF and the AONB Management Plan.

### *Ecology*

- 6.41 The site is generally overgrown with brambles and other self-sown native species. The application is supported by a detailed ecological appraisal, founded on the basis of a series of surveys of the site undertaken across several months in 2020 and 2021. It identifies a number of ecological constraints which include:

- damage/disturbance to SSSI/SWS in the close vicinity,
- loss/disturbance/damage to habitats on the site,
- spreading non-native shrubs on and off the site,
- loss and disturbance to native bluebell,
- loss/disturbance to bat foraging and commuting habitat,
- harm, injury and disturbance to hazel dormouse and loss of dormouse habitat,
- harm to nesting birds and loss of bird nesting habitat and
- harm and injury to reptiles (and common amphibians) and loss of reptile habitat.

However, the appraisal also goes on to say that there are significant opportunities for net ecological gains and biodiversity benefits through habitat creation, native planting, habitat management and enhancements for faunal species. These include:

- 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 creation of wildlife pools and boggy areas, native species-rich wildflower meadow and green roof, flower-rich lawn, native and some non-native trees and shrubs, native species-rich hedgerows and bluebell bank/woodland flora areas.
- Gap up the existing hedgerows will be planted up with a variety of native shrubs.
- Faunal species enhancements proposed comprise the following: bat voids (for horseshoe bats and crevice dwelling bat species) and swallow and house sparrow nest boxes on the new house, bat boxes, bird boxes, hazel dormouse nest boxes, insect boxes and hedgehog boxes.

- 6.42 The report identifies the fact that the site is within 12 metres of the Malvern Hills SSSI (on the opposite side of Chase Road and the potential for impacts upon it, particularly during the construction phase. The comments from the Malvern Hills Trust also reference this in their comments and highlight the over-running of grass verges and indiscriminate parking having a negative effect on the SSSI. The specific concern is that delivery vehicles are likely to exacerbate this, and that vehicles will also over-run the verges once the development is complete.
- 6.43 The metalled carriageway of Chase Road is approximately 3 to 3.5 metres wide; insufficiently wide for two vehicles to pass one another. The over-running of the verges is a pre-existing problem that will continue, irrespective of whether planning permission is granted for this proposal or not. The design of the access for the completed dwelling gives no reason to suggest that it will significantly compound this existing issue – no objection has been made by the Council's Transportation Manager – and concerns about delivery vehicles can be appropriately addressed through the inclusion of a condition to require the submission and approval of a construction management plan prior to the commencement of development.
- 6.44 It is noted that, having considered the ecological appraisal and its recommendations, no objection has been raised to the proposal by either the Council's Ecologist or Natural England. Officers are satisfied that the proposal does not cause unacceptable harm to designated sites, priority species or their habitats, whilst net biodiversity value of the site is significantly enhanced. The proposal accords with the provisions of policy LD2 of the Core Strategy and the provisions of the NPPF in this regard.

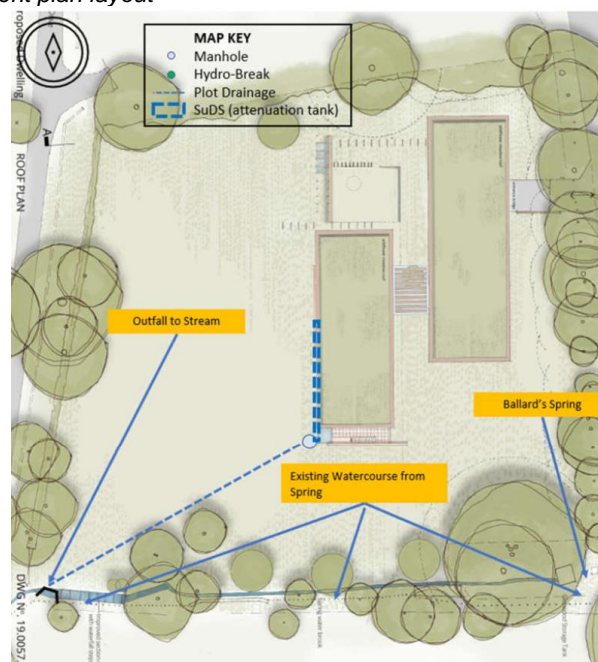
## Transportation

- 6.45 Policies relevant to matters of access and highway safety include SS4 and MT1 of the Core Strategy, CD2 of the Colwall NDP paragraphs 114–116 of the NPPF. Whilst some concerns have been raised locally about the visual impact of the proposed access, the increase of vehicle movements along Chase Road and the impacts of construction traffic, no objection has been received from the Council's Transportation Manager. Whilst Chase Road is a narrow carriageway, an acceptable means of access can be provided without detriment to highway safety, subject to conditions. These are reflected in the recommendation at the end of this report.
- 6.46 Colwall is one of the most sustainable villages in the county in terms of availability of transport links, particularly the railway saturation and its links to Birmingham, Worcester and London. The site is within walking or cycling distance of the station via Chase Road and Walwyn Road, with the latter having a footpath for its entire length.
- 6.47 It is therefore concluded that the development is acceptable in terms of accessibility and highways safety. On this basis, the proposals are considered to comply with policies SS4 and MT1 of the Core Strategy, CD2 of the Colwall NDP and the NPPF.

## Flood Risk and Drainage

- 6.48 The application is accompanied by a Surface Water Management Plan and Foul Drainage Strategy. The relevant policies to flood risk, water quality and drainage are SD3 and SD4 of the Core Strategy.
- 6.49 Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low probability Flood Zone 1 for river flooding, and is similarly at low risk of surface water flooding.
- 6.50 A mains drain connection is available for the disposal of foul waste and comments from Severn Trent confirm that they have no objection to the scheme. Infiltration testing has confirmed that the soil conditions are not suitable for the use of sustainable drainage methods to deal with surface water runoff and therefore the provision of an attenuation tank with a regulated outfall to a watercourse is proposed. The layout of this is shown below:

Surface water management plan layout

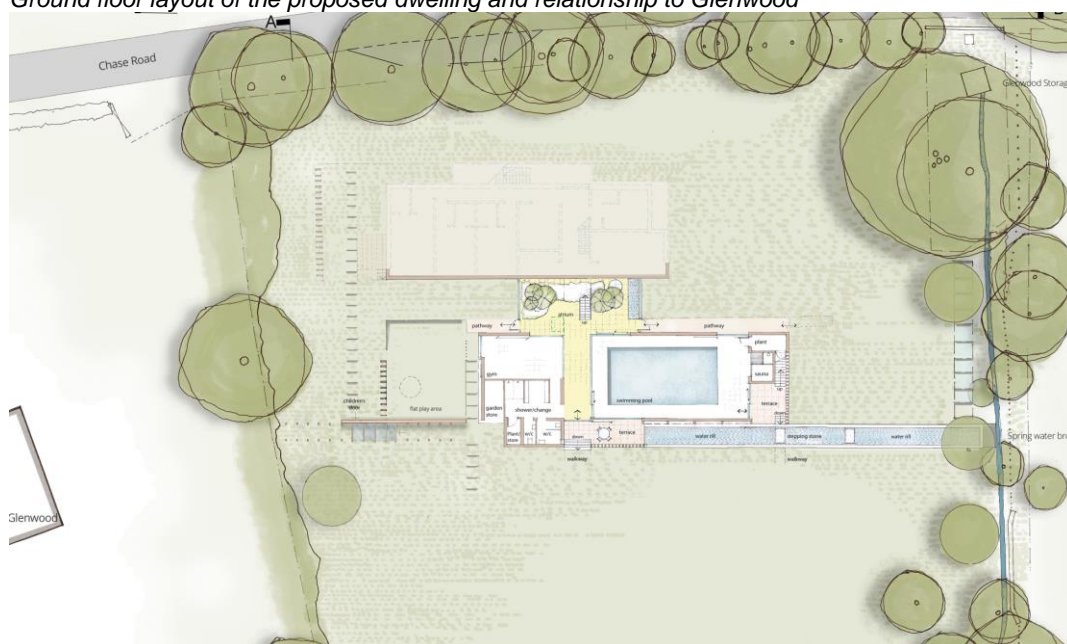


6.51 The point of discharge is gravity fed and falls within the application site. It should be noted that the land drainage engineer has raised no objections to the proposed development. Foul drainage is in accordance with the drainage hierarchy set out in Policy SD4. The surface water management plan would ensure water quality is maintained and does not increase run off from the site. It is therefore concluded that the proposals comply with the requirements of policy SD3 and SD4 of the Core Strategy.

### *Residential Amenity*

6.52 Concerns have been raised through the public consultation process about the potential impacts of the development on the privacy and amenity of Glenwood; the property most closely related to the application site. It lies approximately 13 metres from the shared boundary with the application site. Whilst the entirety of the footprint of Glenwood is not shown on the plan below, it does provide an indication of the relationship between it and the proposal. There will be a distance in excess of 30 metres between the buildings.

*Ground floor layout of the proposed dwelling and relationship to Glenwood*



6.53 The photograph below is taken from within the site at the boundary with Chase Road. An obscured view of Glenwood is achieved and it can be seen that a first floor window looks out across the application site. However, given the distances involved, the relationship between the two is not considered to be unacceptable and it is not considered that the proposed development will cause such a detrimental impact of residential amenity to justify refusal on such grounds. It is therefore concluded that the scheme complies with policy SD1 of the Core Strategy in this regard.



*View from eastern boundary of the site looking north west towards Glenwood*



### *Heritage*

- 6.54 The Planning (Listed Buildings and Conservation Areas) Act 1990 states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 6.55 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that when considering any planning application in a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.56 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, and notes heritage assets and specifically those with environmental designations.
- 6.57 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 6.58 When considering the impact of a development proposal upon the setting of a heritage asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

- 6.59 In this case the site is not within a conservation area nor does it contain or adjoin any designated heritage assets. There are no listed buildings within the locality and consequently it is concluded that there are no demonstrable impacts on heritage assets.

#### *Summary and Conclusion*

- 6.60 On the basis that the proposal complies with policy RA3(6) of the Core Strategy, the proposal is fully policy compliant. The scheme would provide a benchmark for addressing climate change in terms of sustainable and innovative approaches towards energy efficiency and generation; in particular the inclusion of the thermal Earth Energy Banks. This demonstrates a particular regard for the Council's declared Climate Emergency.
- 6.61 The proposed development is predicated on detailed analysis of the built and natural setting of the site. It includes a detailed assessment of building sizes, forms, and styles. The design process builds on this analysis and delivers a contemporary development that upholds the character and distinctiveness of the area. Furthermore, the proposal delivers a contemporary design both in terms of appearance and in how it addresses climate change. It is important to note that the NPPF and Core Strategy both encourage innovation and architectural diversity and officers take the view that this is the case here.
- 6.62 There are no technical matters outstanding and, on balance, the proposal is considered to be comply with the Development Plan and is acceptable. Accordingly the application is recommended for approval.

## **RECOMMENDATION**

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

### **Standard conditions**

**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 and the National Planning Policy Framework.**

**3. CCK – Details of slab levels**

**Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwelling approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason:** In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**4. Construction Environmental Management Plan**

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

**5. 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 safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**6. Ecological Protection (including Protected Species)**

The ecological protection and working methods scheme, compensation, mitigation and biodiversity net gain, including requirement for any relevant protected species licences from Natural England to be obtained prior to any works commencing on site, as detailed in Section 6 of Ecological Appraisal by Udall-Martin Associates dated July 2021 and supporting plans and designs for the development submitted by the applicant and approved as part of this planning permission shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Within three months of receiving the protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the planning authority.

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.**

**7. 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 and the National Planning Policy Framework.**

**8. Landscape Scheme**

**With the exception of site clearance and groundwork, no further 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. The plans shall be at 1:200 or equivalent scale to communicate the information clearly. These details shall include:**

- a) A landscape plan showing existing and proposed finished levels or contours.**
- b) A drawing detailing hard surfacing materials.**
- c) Detailed construction drawings of water features (rills, waterfall steps, and boggy areas); green house; compost; sit and play area; rockery.**
- d) Boundary treatments and means of enclosure.**
- e) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.**
- f) An implementation programme – setting out phasing of work.**

**Landscaping shall be carried out in accordance with the approved details and programme of implementation.**

**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 and the National Planning Policy Framework**

**9. Landscape Management Plan**

**Before the development is first occupied a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule. This should include protection of visual amenity, management of retained trees and vegetation and habitat creation and monitoring.**

**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 and the National Planning Policy Framework.**

**10. Efficient use of water**

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 Hereford Local Plan – Core Strategy and the National Planning Policy Framework**

**11. Nature Conservation – Biodiversity and Habitat Enhancement**

Prior to first occupation of the approved dwelling an annotated location plan and supporting images or ecologists written report confirming the installation of appropriately located ‘fixed’ habitat features such as habitat boxes supporting a range of bird species, bat roosting and hedgehog home features located on land under the applicant’s ownership shall be supplied for written approval by the planning authority.

The ecological mitigation, compensation and enhancement measures as recommended in the ecology report by Udall-Martin Associates dated July 2021 shall be fully implemented and hereafter maintained as stated unless otherwise approved in writing by the local planning authority.

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981., National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.**

**12. Protected Species and Dark Skies (external illumination)**

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

**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; ; and the council’s declared Climate Change and Ecological Emergency**

**13. Trees In accordance with plans**

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

**BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for landscape improvement and development – B J Unwin – Forestry Consultancy**

**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.**

- 14. Access gates**  
**Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

**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.**

- 15. 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, 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 property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

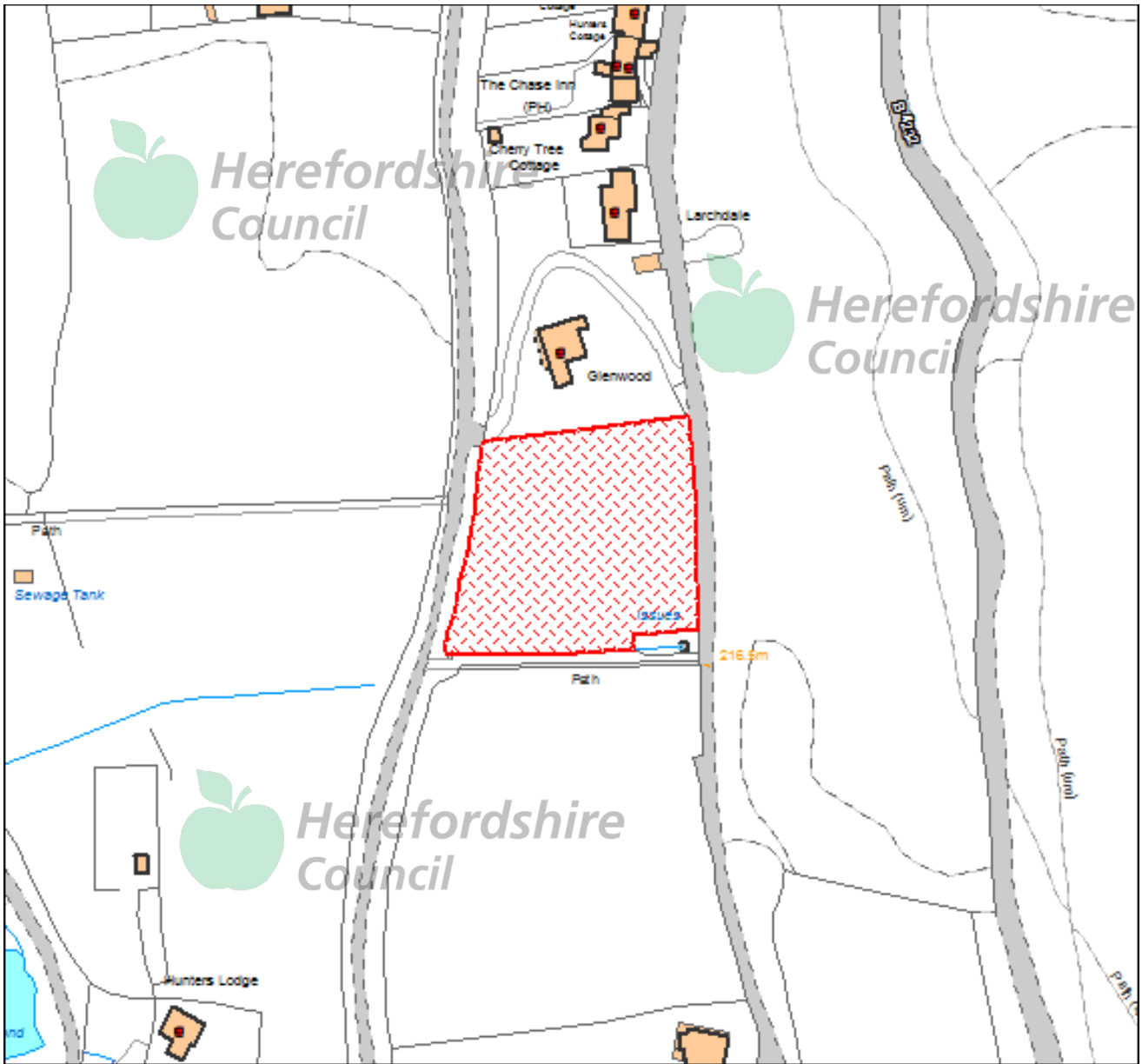
**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The proposed development is near to a former quarry. Because of this the applicant should consider the installation of precautionary gas protection measures/membranes in the development as a matter of course or seek specialist advice.**
- 3. 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 – none identified**



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**APPLICATION NO:** 213413

**SITE ADDRESS :** GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ

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Further information on the subject of this report is available from Mr A Banks on 01432 383085