

Agenda

Planning and Regulatory Committee

Date: **Wednesday 11 December 2024**

Time: **10.00 am**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

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

For any further information please contact:

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Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson **Councillor Terry James**
Vice-chairperson **Councillor Clare Davies**

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Dave Boulter
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Dave Davies
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Stef Simmons
Councillor John Stone
Councillor Richard Thomas
Councillor Mark Woodall

Agenda

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2. NAMED SUBSTITUTES (IF ANY)	
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6. 202258 - SAPNESS FARM, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4RJ	25 - 42
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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

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The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.

Guide to Planning and Regulatory Committee

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

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

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

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

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

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

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

Role of the local ward member

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

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

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

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

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 23 October 2024 at 10.00 am

Present: Councillor Terry James (chairperson)

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Jacqui Carwardine, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

In attendance: Councillor Roger Phillips

Officers: Legal Adviser, Highways Adviser*, and Development Manager Hereford and South Team

* denotes virtual attendance

29. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Clare Davies.

30. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. MINUTES

The committee was informed of a necessary correction to the minutes of the previous meeting. Reference to Neighbourhood development plan policy LGPC 12 was incorrect and should be replaced by reference to LGPC 10.

RESOLVED: That, subject to the correction outlined above, the minutes of the meeting held on 4 September 2024 be approved.

33. 192515 - BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL (Pages 9 - 10)

The Principal Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr. Edwards spoke on behalf of Titley Group Parish Council, Mr. Jones, local resident spoke in objection to the application and Mr Tompkins, the applicant's agent spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that although the principle for development had been established

on the application site, from an earlier permission, the committee had expressed concerns regarding the design and the height of the proposed houses. Following the deferral of the application at a previous meeting of the planning committee the applicant had made some changes to the design of the houses but there had been no change to the size, height or footprint of the properties proposed on the site. These issues had been of concern to the committee at the previous meeting and had led to the deferral of the application. The settlement of Titley was a village but could be classed as a hamlet and had experienced minimal development since the Second World War. The application represented development that was an exception to the gradual construction of dwellings and a substantial increase in housing locally. Since the meeting of the committee, at which the application had been deferred, the Titley Group Neighbourhood Development Plan (NDP) had been made and the committee now had a number of relevant planning policies on which to refuse the application. Core strategy policies LD1, LD4 were cited as grounds for the refusal of the application together with NDP policies TG1, TG2, TG13, TG15 and TG 16. The committee had provided the applicant with the opportunity to amend the application to ensure that it respected the landscape and to modify the design of the houses in line with the reasons for deferral from the previous committee meeting. The changes undertaken to the application were seen as a missed opportunity as the houses continued to be excessively large and dominant for the site on which they were positioned.

The committee debated the application.

There was concern on the part of some members that the reasons for the deferral of the application at the previous committee meeting had not been taken into account in the modifications that had been made to the design of the houses.

Councillor Jacqui Carwardine left the meeting at 10:40 a.m.

Councillor Polly Andrews proposed and Councillor Richard Thomas seconded a motion that the application be deferred to offer the applicant an opportunity to modify the scale and height of the houses in the application. Councillor Richard Thomas subsequently withdrew as the seconder to the motion; the motion was therefore not formally moved.

There was division among the members of the committee. It was the contention of some members that the scale and size of the buildings remained excessive. Other members of the committee cited examples in the locality of substantial and large properties; the proposed houses in the application would not be out of keeping with such existing buildings.

The local ward member was given the opportunity to close the debate. In summary, he reiterated the grounds on which the committee could refuse the application.

Councillor Bruce Baker proposed and Councillor Peter Hamblin seconded a motion that the application be approved in accordance with the case officers recommendation.

The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC, approval of Reserved Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation.

Standard Conditions

1. The development hereby approved shall be carried out strictly in accordance with the approved plans and documents:

- Proposed Site Layout 7218-1-20-Rev C
- Proposed Site Sectional Plan 7218-1-26-Rev C
- Proposed Plot 1 - 7218-1-21-Rev B
- Proposed Plot 2 - 7218-1-22 Rev A
- Proposed Plot 3 - 7218-1-23-Rev A
- Proposed Plot 4 - 7218-1-24- Rev A
- Proposed Plot 5 - 7218-1-25-Rev A
- Proposed Garages 7218-1-29
- Proposed Landscaping Proposals 24/500/02 B
- Estate Railing Fencing Example 31/7/2024
-

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA2, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG5, TG13, TG14, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Conditions to be Discharged

2. Details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being undertaken on site:

- a) Details and/or samples of external timber cladding
- b) Details and/or samples of roofing materials
- c) Details of all windows, doors and rooflights including
 - Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings
 - Method & type of glazing.
 - Colour Scheme/Surface Finish
- d) Details and/or samples of rainwater goods

The work shall subsequently be carried out in full accordance with such approved details.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. No works in relation to the stone facing of the dwellings hereby approved shall be commenced until a sample panel of the stonework has been provided on site and this has been approved in writing by the Local Planning Authority. The sample panel shall be a minimum of 1m x 1m in size and shall show the stone type; sizes, face-bond; pointing mortar mix, joint thickness and finish profile. The works shall subsequently be

carried out in accordance with the approved details and the sample panel shall be retained on site until the relevant works have been completed.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG5, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

4. Prior to the first occupation of any dwelling to which this permission relates, the vehicular parking areas shown on the approved plans shall be properly consolidated, surfaced and drained in accordance a specification which has first been submitted to an approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

5. Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing by the local planning authority:

- Surface finishes
- Drainage details
- Future maintenance arrangements

The development shall be carried out and thereafter maintained in accordance with the approved details

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any dwelling hereby approved, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The scheme of management and maintenance shall subsequently be carried out in accordance with this approved schedule. 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 plan 19/500/02A.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance Conditions

7. The following scheme of energy sustainability measures shall be implemented in accordance with the approved details prior to the first occupation of any dwelling hereby approved:
- PV panels and Air Source Heat Pumps to each plot in accordance with details shown on plans 7218-1-21-Rev B, 7218-1-22 Rev A, Proposed Plot 3 - 7218-1-23-Rev A, 7218-1-24- Rev A, 7218-1-25-Rev A.
 - An electric vehicle charging point at a minimum rate of one per dwelling

Those measures shall thereafter be maintained in perpetuity.

Reason: To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policies TG1 and TG11 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

8. All planting, seeding or turf laying in the approved landscaping scheme (24/500/02 B – Peter Quinn Associates) shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner. The hard landscaping shall be carried out in accordance with the approved plans and be completed prior to the first occupation of the development.

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, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

9. Apart from where explicitly identified for removal on landscaping plan 24/500/02 B and tree survey 19/500/01, 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, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

There was an adjournment at 10:52 a.m.; the meeting reconvened at 11:04 a.m.

34. 233442 - 39 GREYFRIARS AVENUE, HEREFORD, HEREFORDSHIRE, HR4 0BE
(Pages 11 - 12)

The Principal Planning Officer provided a presentation on the application and the updates representations received following the publication of the agenda as attached to these minutes.

In accordance with the criteria for public speaking Mr Milln spoke on behalf of Hereford City Council and Mr Taylor, the applicant, spoke in support of the application.

In accordance with the council's constitution a statement was read out on behalf of the local ward member. In summary, she explained the application had attracted a large number of representations both in objection and in support. The area of riverbank within the application was a highly valued part of the city for its scenic qualities and recreational uses. The aims of the application to increase access to the river were supported but it was noted that a highly sensitive approach was necessary to protect the welfare of the river. The application site was in a conservation area, a site of special scientific interest (SSSI) and a special area of conservation (SAC). The application therefore required a habitat regulation assessment (HRA) which had been considered by Natural England. Natural England had considered the HRA and objected to the application, due to its impact on the river. Natural England had previously given the river an unfavourable-declining rating. It was hoped that elements of the application and project could be taken forward and the sea scouts were encouraged to investigate the possibility of sharing facilities with the Rowing Club to launch boats.

The committee debated the application.

There was division among the membership of the committee regarding the acceptability of the application. It was the contention of some members of the committee that the impact of the application was not significant given similar structures which existed in close proximity at the Rowing Club. There was concern that the objection from Natural England obstructed a valuable local project.

Councillor Bruce Baker proposed and Councillor Richard Thomas seconded a motion that the application be approved. The motion was subsequently withdrawn by both proposer and seconder.

It was the contention of other members of the committee that the unfavourable-declining condition of the river must be taken into account in determining the application and that the objection of Natural England must be given significant weight in the committee's deliberations.

Councillor Stef Simmons proposed and councillor Dave Boulter seconded the refusal of the application in accordance with the case officer's recommendation.

The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That planning permission is refused for the following reason:

The application site is within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest. There is a requirement for a Habitat Regulations Assessment (HRA) to demonstrate beyond reasonable scientific doubt that the proposed development would not have any adverse effects on the integrity of the SAC. The submitted details fail to provide sufficient evidence that

the proposed development would avoid adverse impacts on the SAC. The information provided in support of the application does not adequately address the potential ecological impacts or propose effective mitigation strategies to protect the sensitive features of the designated site; the measures do not avoid or reduce likely significant effects caused by the proposed new section of reinforced bank but rather would allow those effects to occur and compensate for them elsewhere. The proposal is also contrary to the objectives of the SAC Site Improvement Plan (SIP) and would not assist in the positive implementation of the associated River Restoration Plan (RRP). The submission also fails to adequately detail, with certainty, the extent to which the proposal would give rise to increased recreational pressures at the site. Consequently, the Local Planning Authority cannot be satisfied that the development would not harm the integrity of the designated site and cannot adopt a positive HRA, thus failing to comply with the requirements set out in the Conservation of Species and Habitats Regulations 2017 (as amended). Therefore, the proposal is contrary to Policy LD2 of the Herefordshire Local Plan – Core Strategy and the principles set out within the National Planning Policy Framework

The meeting ended at 12.10 pm

Chairperson

192515 – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (160581 – PROPOSED SITE FOR THE ERECTION OF 5 NO. FOUR BEDROOM DWELLINGS). BALANCE FARM TITLEY KINGTON HR5 3RL

For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

ADDITIONAL REPRESENTATIONS

An additional representation has been received following the publication of the Officer Report from Marches Planning on behalf of a local resident. It can be viewed here:

<https://myaccount.herefordshire.gov.uk/documents?id=718e7fa5-8fc3-11ef-9083-005056ab3a27>

It is understood that the resident has also submitted comments direct to Committee Members. Officers have had sight of this and the themes are similar in nature.

The key content of the representation can be summarised as follows:

1. The policies of the Titley NDP have been misrepresented in terms of the relationship between the site and the settlement boundary, specifically that the site will only be regarded as being within the boundary if development is lawfully commenced.
2. The Officer Report does not recognise the purpose of the settlement boundary in maintaining separation between the village and Eywood Park.
3. The proposal does not fulfil the requirements of NDP policy TG13 to 'protect and enhance the valued landscape' associated with Eywood Park
4. The screening provided by Leylandi trees should not be relied upon.
5. The proposal has not responded to the Committee's concerns and does not fulfil the requirements of NDP policy TG16 2) to incorporate sustainability measures such as building orientation, solar gain, sustainable construction methods and materials.
6. The proposal has not responded to Committee's concerns regarding scale and height. Smaller dwellings could have been designed to meet local needs as per TG2.
7. The proposal has not provided a pedestrian access to the village to avoid the B3455 junction, which could be secured by way of S106 agreement in accord with TG16

OFFICER COMMENTS

Officers would make the following comments corresponding to the points above:

- 1: This matter is addressed at Sections 6.9 – 6.12 of the Officer Report. Officers have reviewed the relevant sections in light of the comments supplied and consider that the interpretation of NDP policy TG5 set out at 6.11 of the Officer Report is accurate. Notwithstanding this, Members are advised that the principle of development is not a matter to be considered as part of the Reserved Matters application and therefore the relationship of the site with settlement boundary and spatial strategy of the NDP is not determinative in any case.
- 2, 3 & 4: These issues are addressed at Sections 6.29 – 6.40 of the Officer Report and these sections are considered to remain applicable. With regards to the potential impact upon Eywood Park as a designated heritage landscape, this has been

robustly appraised and found to be policy compliant. No harm has been identified and no objections received from the Senior Landscape Officer or Building Conservation Officer.

- 5: Section 6.41 of the Officer Report addresses sustainability. The amended plans incorporate PV panels, air source heat pumps and electric vehicle charge points which are secured by Condition 7. Condition 10 attached to the outline permission 160581/O secures water efficiency measures. All of these align with the requirements of policies TG16 and SD1. It is noted that the representation considers the scheme should go further, such as through an amended layout to enhance solar gain, however this needs to be balanced against ensuring the layout is an appropriate response to the site constraints and wider setting. Officers consider therefore consider that the scheme has made efforts to promote sustainability and would take the view that a refusal on the basis that the scheme has failed to exhaustively incorporate all of the measures detailed TG16 2) could not reasonably be justified.
- 6: These points are addressed within the Officer Report, Section 6.23 and 6.24.
- 7: The access strategy to the site, including for pedestrians, has been established through the outline permission P160581/O and subsequently P181476/ RM for approval of 'access'. The current application is for reserved matters approval of 'appearance, layout, landscaping and scale' only. The matter of pedestrian connectivity between the site and the wider area hence does not fall within the scope of the matters requiring approval and to seek additional provision at this point would go beyond what the LPA is entitled to consider.

NO CHANGE TO RECOMMENDATION

233442 - PROPOSED BOAT RAMP, SITING OF CRANE AND ASSOCIATED HARDSTANDING AND FOOTPATH. AT 39 GREYFRIARS AVENUE, HEREFORD, HEREFORDSHIRE, HR4 0BE

For: Mr Taylor per Urban Vista, Archways, River Road, Taplow, Maidenhead, SL6 0BG

OFFICER COMMENTS

The following additional information / point of clarification are made;

- It is understood that the diversion order of public footpath HER20 made under Section 119 of the Highways Act 1980 has been confirmed.
- It is noted that Paragraph 7.29 of the Officer Report states that the proposal would not alter the number of parking spaces at the site. This is consistent with that set out within the submitted application form. While the proposed footpath diversion would cut across the eastern extent of the existing car park which serves the Rowing Club, no details of how this impacts parking have been provided.
- The proposed site compound indicated on the proposed plans is not a permanent element of the proposed development in which planning permission is sought. Rather, such a feature would be used to support the construction work and day-to-day operations on site. As shown on the plans, they often include temporary offices, toilets and equipment storage areas. Paragraph 7.29 outlines matters relating to the management of the proposed site compound and how it could be controlled by way of planning conditions.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 DECEMBER 2024
TITLE OF REPORT:	202258 - RETROSPECTIVE ERECTION OF TWO PAIRS OF STABLES AND WOODCHIP TURNOUT PADDOCKS AT SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ For: Mr Lacey per Mr Marc Willis, 30 The Causeway, Chippenham, Wiltshire, SN15 3DB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258
Reason Application submitted to Committee - Redirected and Deffered (31 August 2022)	

Date Received: 15 July 2020

Ward: Old Gore

Grid Ref: 362387,233916

Expiry Date: 17 November 2020

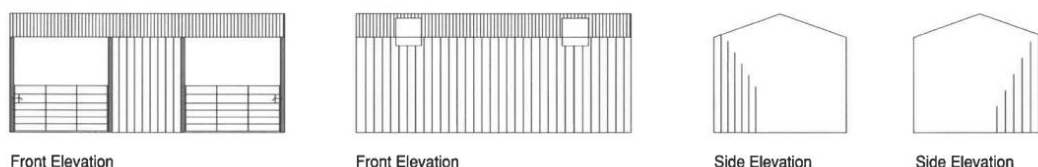
Local Members: Cllr Barry Durkin

1. Site Description and Proposal

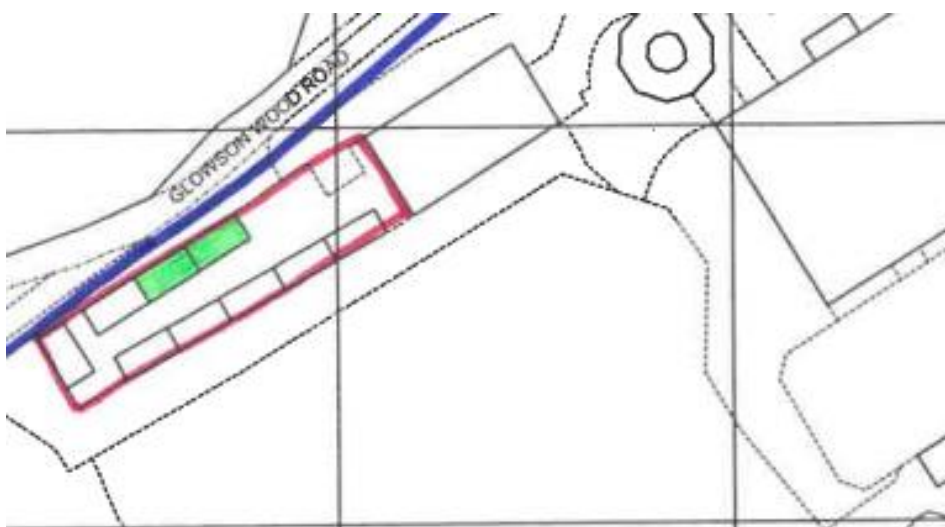
- 1.1 The application relates to Sapness Farm which is located to the North East of Sollars Hope, the farmstead which is located in isolation to the South of Glowson Woods and is accessed from the U67416 connecting onto the C1298. The site is abutted by two Public Rights of way one to the North and West (WO1) and to the east lay the second Public Right of Way (W04A). The site was granted a change of use under P132546/F for use as a mixed equestrian/agricultural use, this included several elements which fell within the description of development as described by Section 55 of the Town and Country Planning Act 1990 these were conversion and extension of existing agricultural buildings to stables; formation of all-weather gallop; siting of horse walker, lunge & jumping pen and the provision of staff accommodation.
- 1.2 The application site lies around 257 metres to the East of the Wye Valley National Landscape (AONB). The site is within Flood Zone 1 and is within the How Caple Brook catchment, which forms part of the River Wye Catchment, a Special Area of Conservation (SAC) confirmed as being in an unfavourable/declining condition.
- 1.3 The application was submitted in response to an Enforcement investigation and was submitted on 20 September 2020. It seeks retrospective permission for the retention of 9 stable buildings and turn out paddocks at the site. The application was referred to Planning Committee on the 31 August 2022, and was subsequently deferred pending the submission of additional reports on ecology, manure/waste management and hydrology.
- 1.4 The site now benefits from a Certificate of Lawful Development which was granted under P231322/U for the retention of 7 stable blocks and the existing concrete yard.

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- 1.5 The application has therefore been amended to remove elements granted under P231322/U which results in the present application being for the retrospective permission for two stable blocks and the turnout paddocks.
- 1.6 The stable block has a floor area of 45 square metres, with each unit measuring 7.01m by 3.38m in width and 3.01m to the ridge. The units are steel framed and are finished in perforated metal cladding. The stables sit on a concrete base with access via the existing yard to the east. Each stable building houses two stables as such the application is for four stables housed within two stable buildings.



Elevational Drawings, Sapness Farm (P202258/F)



Stables for consideration within this application are highlighted green.

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

SS1- Presumption in Favour of Sustainable Development
 SS6 - Environmental quality and local distinctiveness
 RA6 – Rural Economy
 MT1 - Traffic Management Highway Safety & Active Travel
 LD1 - Landscape and Townscape
 LD2 - Biodiversity and Geodiversity
 SD1 - Sustainable Design and Energy Efficiency
 SD3 - Sustainable Water Management and Water Resources
 SD4 - Wastewater Treatment and River Water Quality

2.2 Woolhope Neighbourhood Development (WNDP)

Policy WNDP1: Landscape and biodiversity

2.3 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development
Chapter 6 – Building a strong and competitive economy
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

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

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

<https://www.herefordshire.gov.uk/downloads/file/25426/draft-neighbourhood-development-plan-may-2023>

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. 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 most relevant policies of the CS – which are considered to be those relating to highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

P132546/F	Change of use of land to a mixed equestrian/agricultural use, the conversion and extension of existing agricultural buildings to stables; formation of all-weather gallop; siting of horse walker, lunge and jumping pen and ancillary works. Provision of staff accommodation.	Approved
P180497/F	Retrospective erection of a new barn, isolation stable, new horse walker, Jumping Strip and Sand Gallop. Repositioning of previously approved lunge pen and jump pen and erection of new timber office	Approved
P213582/U	Certificate of lawfulness for existing construction of a sand gallop and water walk,	Approved
P231322/U	Certificate of lawful development for existing use of formation of concrete yard and erection of 7 pairs of stables.	Approved

4. Consultation Summary

4.1 Internal Council Consultations

Area Highway Team Leader

4.1.1 19 November 2020- Further Information Required

The local highway authority (LHA) requires further information and clarification on a number of items:

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- The routing that vehicles take to access the facility. This should include deliveries, horseboxes, visitors and staff. This should be an informed document as it may potentially form part of a condition should planning consent be granted.
- Whether there is opportunity for an access closer to the B4224.
- The number and type of trips generated by site. This should also be compared to previous uses and levels under previous permissions. The clearest way to present these figures would be in a table similar to the example set out below.

Type of Vehicle	Weekly Number of Vehicle Trips for Whole Site			
	Original Agricultural Use as a Fruit Farm	Under Permission Ref: 132546 (inc. Agricultural Use)	Under Permission Ref: 180497 (inc. Agricultural Use)	Under Current Application Ref: 202258. (inc. Agricultural Use)
Car				
LGV				
Horsebox				
HGVs				

The number of trips generated should include all trips from supermarket/other deliveries for staff residing at the site to client visits and feed deliveries. Where there are seasonal variations this should be noted. An explanation of the figures should also be provided e.g. number of visits by clients and number of horsebox trips going to races/events per week. The figures should include the existing agricultural use of the farm which, from the information supplied, still represents a significant portion of the site, it may be easiest to work out the trip generation based on area used for agriculture. It should note that one trip is equal to one vehicle leaving the site, the return journey is a separate trip, i.e. a delivery to the site represents two trips because it arrives and leaves thereby creating two trips along Glowson Wood Road.

- Clarification is also sort with regards to the number of horses based at the site with each permission.

Once the LHA has received the above information it will be able to comment in full.

4.1.2 9 March 2021- Further Information Required

Having been through the submitted statement of vehicle movements I note that usually, with the exception of May, June and July, there can be up to 61 horses stabled at the site, however, what is not clear is how the horses get to the site? Are they picked up from the owner and driven to the site? Are these movements accounted for elsewhere within the statement provided? If not, further clarity is requested about how the horses get to the site, how long they stay on average and how they get back to their owners. Presumably these movements are in addition to the movements generated by the 'runners'?

Once the above information is received the local highway authority will be in a position to make a recommendation.

4.1.3 20 July 2021- Further Information Requested

The local highway authority (LHA) has reviewed the information submitted by the applicant regarding traffic movements to and from the site. It is recognised that there is a level of consented use associated with the site and this application is to assess the increase only. The consented use is for 35 horses so this application looks at the increase to the current level of 61 horses (an increase of 26 horses).

From examination of the information submitted it is clear that there is a baseline of activity associated with the residential dwelling on-site, however, this is no different to any other dwelling and is generally car based trips. Other traffic, again which is primarily car based, is in relation to both on-site (residential) and off-site staff. The staff resources required to undertake the activities associated with the equestrian operation are probably more than the average farm but could not be considered to be excessive for many types of agriculture, such as fruit picking or other labour intensive farming or indeed other rural enterprises.

With regards to HGV (including 3.5t or 7.5t vehicles) movements it is evident that there are peaks and troughs, with the peak times being winter and spring and the off-peak time primarily being the summer months. Whilst it is appreciated that movements will be greater during some months, when averaged over 12 months the HGV (including 3.5t/7.5t vehicles) trips to and from the facility could not be considered to be greater than a lot of agricultural uses which could have lawfully taken place at the site, particularly given that land no longer wholly surrounds the farm, as was the tradition, but can spread over some distance from the main farm resulting in tractors having to travel extensively, often a couple of times a day, to tend to animals etc. located some distance away.

Having said the above it is clear that the current movements are having an effect on local residents and so in order to try and mitigate the effect it is requested that a Traffic Management Plan (TMP) is produced which details the routes that HGVs (inc 3.5t/7.5t vehicles) take, with the route avoiding the lanes to the north-east and east of the site. Whilst it is understood that it will be impossible to control companies that deliver ad-hoc via national couriers, main, regular suppliers, particularly if they are local, should be adhering to the TMP. The TMP should form one of the conditions of planning, should it be granted and will need to be strictly adhered to in order to comply with any planning permission granted. The TMP should include the following:

- The routes that all large vehicles associated with the equestrian facility will take, this must not include the lanes approaching the site from the east and north-east. Routes should be via the highest classification of road possible.
- A commitment to encourage staff to car share (Covid restrictions allowing) and to discourage staff from going home during the day for lunch etc. It may be necessary to provide a seating/kitchen space whereby staff can prepare a simple lunch and eat away from the horses and in warmth and undercover or for lunch to be provided as an incentive to keep staff on-site.
- If possible movements to and from the farm, both in terms of staff arriving and departing for work and for horses arriving and departing the site, should be avoided prior to 7am and after 7pm.
- Any other measures that would reduce the impact that the facility has on local residents.

4.1.4 27 October 2021- Further Information Requested

The Traffic Management Plan (TMP) does not go far enough to stipulate that all manoeuvres by larger vehicles under the applicant's control use the south-western route prescribed in the document. All larger vehicles such as horseboxes etc being driven by a member of staff at the Sapness Farm must use the prescribed route. All larger vehicles whereby the establishment has some degree of control, for example, clients dropping off their horses, must be advised that they should use the prescribed route. The TMP needs to have stronger wording to convey a commitment to adhere to the Plan.

4.1.5 11 January 2022- No Objection

The local highway authority (LHA) considers the revised Traffic Management Plan (TMP) to be acceptable subject to the route plan being appended to the document. The LHA has no objection to the proposals subject to the TMP and adherence to it being a condition of any planning consent granted.

4.1.6 16 November 2022-Further Information Requested

16/11/22 - No Manure Management Plan available to comment on. Email Clive to query 15/11/22.

4.1.7 4 October 2023- Qualified Comment

The manure plan of twice yearly removal is acceptable subject to adherence with the Traffic Management Plan.

4.1.8 19 March 2024- No Objection

The local highway authority (LHA) has no objection to the revised/updated Traffic Management Plan (TMP), although the route plan originally included in the first TMP should also be appended to the revised TMP. Subject to this inclusion the LHA has no objection.

4.1.9 4 September 2024- No Objection

The LHA has no updated comments to make on the application and the original comments made in March 2024 are still pertinent.

Natural Environment Officer (Ecology)

4.1.10 30 October 2020- No Objection

Habitat Regs. - River Wye SAC

The site falls within the "any discharge of water or liquid waste..." SSSI Impact Risk Zone for the River Wye SSSI/SAC. However there is no proposed foul water drainage, and surface water drainage is managed by on site soakaways. There are no anticipated impacts to the River Wye SAC resulting from the proposals, and the requirement for an HRA Appropriate Assessment can be screened out.

A Habitat Regulations Screening Assessment would therefore conclude that the development will have No 'likely significant effects' on the River Wye SAC & SSSI.

NB. If the applicant wishes to amend their plans at any time to include foul water management, full details of how foul water will be managed are required: If connected to mains sewer system then confirmation by Welsh Water or other relevant statutory undertaker that this is practicable and acceptable must be provided. If connection to an existing private treatment system is proposed then professional confirmation this system is viable and with sufficient capacity and headroom should be provided. If a new septic tank or package treatment plant is proposed then full details and confirmation that the system will discharge to a soakaway drainage field is requested – NO direct outfall to any local watercourse, stream, ditch or culvert will be acceptable.

Site ecology

Prior to construction, the conditions present on site are not known. As a retrospective application any ecological disturbance or damage caused by the creation of the facilities has already taken place. The applicant is reminded of their 'legal duty of care' towards wildlife protection, see the Wildlife Protection Informative below:

Wildlife Protection Informative

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted. Any breach of this legal Duty of Care would be a criminal offence.

Biodiversity Net gain/Enhancement

As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure these enhancements a reasonable condition is suggested below.

Condition Eco 06 – Prove Biodiversity Enhancement (Net Gain)

Prior to approval, evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of ONE bat roosting box; ONE bird nesting boxes and ONE pollinating insect habitat homes/ONE hedgehog home built in to, or attached to the stable block, or on buildings or trees under the applicant's control should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

External lighting

The property is located within a rural setting, in close proximity to ancient and semi-natural woodlands. There are numerous records of bat species in the local area. No disturbance of bat flight lines to and from any identified roosting would be acceptable, nor would loss of any foraging or commuting potential. To ensure local bat impacts are mitigated the development should comply with DEFRA/NPPF Dark Skies Guidance and any external lighting should be kept to a minimum. To mitigate this a suggested condition including lighting is included below.

Condition-Eco 09: Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)

- a) At no time shall any external lighting except in relation to safe use of the approved stable block be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.
- b) No external lighting should illuminate any biodiversity enhancement, boundary feature, or adjacent habitats.
- c) 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 and Bat Conservation Trust.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).

4.1.11 21 October 2022- No Objection

Ecology comments provided 30/10/2020 remain valid – there are no further ecology comments and decision would be approve with conditions as noted in previous comments.

4.1.12 30 September 2024- No Objection

We have no further comments to make, please see previous recommended conditions.

Natural Environment Officer (Landscape)

4.1.13 14 December 2022- Further Information Requested

This is a desk based response. The original application for a change of use on this site (ref 132546) was thoroughly assessed through an appropriate Landscape and Visual Assessment provided by the applicant and a detailed response from Herefordshire Councils Landscape Consultant. This confirmed that while the development for a mixed equestrian / agricultural use would have some negative impacts on the landscape character and the visual amenity of the area this could be overcome by appropriate mitigation planting and management of the site as a whole. This discharge of conditions did provide a suitable Landscape and Ecology Management Plan (LEMP, dated March 2015).

It appears, however, that since then there have been numerous additions to the site in terms of infrastructure, extent of use and new buildings, none of which have been assessed again in landscape terms or have had the benefit of an updated LEMP. The site is within the setting of the Wye Valley Area of Outstanding Natural Beauty, where it is often the incremental or 'creeping' effect of developments collectively that encroaches on and erodes the landscape features. It is not accepted from the Design and Access Statement that these stables and turnout paddocks are a minor addition, as it is the cumulative impact of the overall development that must be considered. This lack of overall assessment, lack of site wide environmental enhancements or management and increased development is contrary to Core Strategy Policy LD1 and LD3.

As the site is now established in equine use, it is likely that through the provision of the above landscape assessment and enhancement / management proposals that the development could be suitably mitigated. Therefore as part of this application, or if approved then by condition within three months, a site wide landscape and biodiversity proposals plan and specification should be provided, together with an updated LEMP. These were both provided with the original application and therefore it should be a reasonable expectation for them to be updated. This should take account of issues such as:

- Reinforcing hedgerows, allowing them to thicken, infilling gaps and planting hedgerow trees.
- Providing field margin buffer zones along hedgerows.
- The stables are particularly utilitarian looking and could have considered using brick and timber as local materials.
- The turnout paddocks appear to have been built very close to the roadside boundary hedgerow where I would have asked for at least a 1m buffer zone to protect roots and allow for a ground flora margin as a biodiversity corridor.
- The roadside hedgerow corridor should be reinstated.
- Management intentions for hedgerows, such as heights and timing of trimming.
- Seek opportunities to create areas of species rich permanent pasture and broadleaved woodland.
- Implementation of planting works, many of which for hedgerows should be carried out as soon as possible.
- The LEMP should cover a minimum of 10 years.

All of these measures would help to enhance the landscape character, filter views of the site from the numerous public rights of way nearby and contribute to green infrastructure. This is required to safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Core Strategy.

4.1.14 2 October 2024- Further Information Requested

No landscape character or visual assessment has been carried out and no landscape proposals for planting or management have been provided. Therefore my comments from 14/12/2022 still stand.

Natural Environment Officer (Tree Officer)

4.1.15 22 October 2024- Object

No information has been submitted in regards to the existing trees and hedgerow on site. The photographs within the DAS 2020 shows numerous ground works in close proximity of existing trees and it is assumed that no tree protection measures were utilised during the construction phase.

As the works have already been carried out, in theory, the damage has already been done to retained trees roots and ground conditions, and it is unclear to whether existing trees have declined in health following the development works and whether mitigation is required.

Usually, I would request additional information if this was a proposal, in the way of a BS5837:2012 survey and arboricultural impact assessment (AIA) but this may not be relevant now.

I do concur with the landscapes officers 2022 comments on the site in regards to vegetation re-instatement where it has been removed.

Overall I do object to the application due to the lack of information regarding the trees within the site.

Public Right of Way Officer

4.1.16 24 September 2020- No Objection

5. Representations

5.1 Woolhope Parish Council

9 October 2020- No Objection

At an extraordinary meeting of Woolhope Parish Council held on 6th October council voted to support the application.

24 September 2024- Objection

Woolhope Parish Council met on Tuesday 24th September and voted to oppose this application.

Woolhope Parish Council considers that the application is deficient without a hydrology report.

Parish council also wishes that planners ensure that waste management and traffic management plans are adhered to.

5.2 Public Representations

At the time of writing a total of 27 representations from 17 different persons including Herefordshire CPRE and Ramblers have been received in response to both the original submission and the revisions. Many of the representations are lengthy and what follows comprises a summary of these:

- Breach of Planning Control
- Capacity on Site
- Stock Levels on Site
- Impact upon the Highway
- Impact on the Landscape
- Increased demand on Potable Water
- Damage to Green Infrastructure
- Impact on Biodiversity
- Impact of commercial traffic
- Impact upon the Public Right of way
- Concern on time of traffic

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258

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

Principle of Development

- 6.1 Policy RA6 states that employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported including proposals which... support the retention and/ or diversification of existing agricultural businesses. Planning applications which are submitted in order to diversify the rural economy will be permitted where they:
- ensure that the development is of a scale which would be commensurate with its location and setting;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
 - do not generate traffic movements that cannot safely be accommodated within the local road network; and
 - do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.
- 6.2 Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88 (b) states that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses
- 6.3 It is noted that there is strong local and national support within the NPPF and the CS for the expansion of commercial enterprises within rural Herefordshire and as such the broad principle of the proposal is considered to be acceptable.

- 6.4 Furthermore this application is not in relation to the principle of an equestrian business within the locality, but is merely in relation to the acceptability of additional built form to support the venture. It has been accepted that a material start has been conducted in respect of the permission granted under P132546/F which contains no restrictions on the levels of stocking agreed on the site and as such this is not within the scope of control of the Local Planning Authority

Landscape/Visual Impact

- 6.5 CS policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development.
- 6.6 WNDP policy WNP1 states that proposals for development should seek to protect and enhance the landscape character and biodiversity of the Parish. To protect the landscape character of the area new proposals should positively enhance the existing landscape and minimise their impacts on the tranquil rural character of the area and valued scenic views
- 6.7 The officer acknowledges that the cumulative effect of the stable blocks proposed originally represented a significant addition to the wider site character and was clearly a source of concern which led to the deferral of the application by a previous Committee. Nevertheless, given the passage of time several of these blocks have become lawful and as such no longer fall within the scope of the application. The scale of the lawful development is a material consideration which does change the starting point for the assessment of the visual impact of the development. In essence this must now be limited to the additional structures which have not been deemed to be lawful. In this regard, it is not considered that the original objection from the Senior Landscape Officer can be sustained on the basis that the proposed retention of two stable blocks would not materially alter the impact upon the character or wider setting of the Wye Valley National Landscape. Furthermore, given that 7 of the 9 constructed stable buildings are considered lawful it is difficult to argue that the retention of two represents a significant over development when assessed against the existing agricultural buildings and stables adjacent to those subject to this amended application. On balance therefore it is not considered that the development as now proposed would result in sufficient additional harm to warrant the refusal of permission.
- 6.8 The proposed turnout areas represent a fairly modest addition to the wider landscape and would not adversely impact the character of the area. Notwithstanding, it is considered that the enhancement of the screening and retention of conditioned screening would be preferable to further mitigate the impact upon the wider landscape. As such a condition is recommended that would secure soft landscaping enhancements within 12 months with a 10 year retention and maintenance requirement.
- 6.9 With regard to landscape effects, it is concluded that given the significant built form already approved and subsequently demonstrated to be lawful on the site; the close relationship with existing built form; the existing screening of the stable blocks and the relatively limited scale of the proposed development that the proposal complies with policy LD1 of the Herefordshire Local Plan- Core Strategy, the Woolhope Neighbourhood Development Plan and the National Planning Policy Framework.

Design, and Scale

- 6.10 CS policy SD1 requires that development proposals should create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing

and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

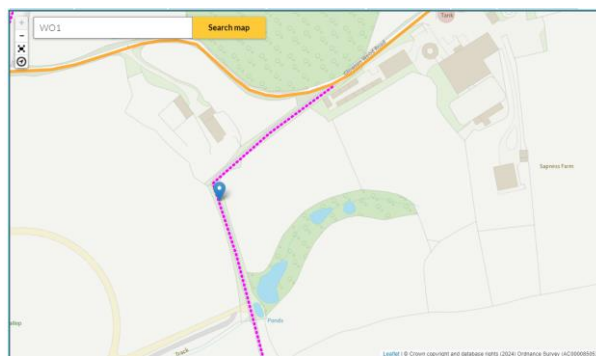
- 6.11 Paragraph 135 (c) of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- 6.12 The proposed stables are of scale compatible with the surrounding built form, replicating those approved under P231322/U. The scale of the stables are considered to be limited in scale and subservient to the existing built form present on the site. The materials integrate with the surrounding built form and would not appear overly dominant within the site.
- 6.13 The proposed turnout area is considered to be of an acceptable scale and would not detract from the wider landscape and the proposed woodchip finish would not result in unacceptable harm to the wider landscape with the post and rail boundary treatment being considered acceptable within the locality.
- 6.14 With regard to scale and design it is concluded that given the existing built form present on the site, the proposal complies with CS policy SD1 and the NPPF.

Residential Amenity

- 6.15 Policy SD1 also state that development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should safeguard residential amenity for existing and proposed residents; ensure new development does not contribute to, or suffer from, adverse impacts arising from noise.
- 6.16 Sapness House lies about 180m west of the farm, Yare Farm, Hyde Farm, Firs Farm, Greyhill Barn, and Foxhalls.
- 6.17 It is noted that the proposal would represent a slight intensification of the site with regard to noise given the associated activity with the site, however weight must be afforded to the lawful status of the majority of the buildings and consideration should be restricted to the limited addition of two stable blocks. Given the significant distances between the proposed stables and the turn out area and other properties on the locality, it is concluded that that there would be no harm to residential amenity.
- 6.18 The proposal therefore complies with CS policy SD1 and the NPPF. It should be noted that it is not within the scope of this application to alter the permission granted under P132546/F which did not restrict the hours of operation.

Public Right of Way

- 6.19 Policy MT1 states that development proposals should protect existing local and long distance footways, cycle ways and bridleways unless an alternative route of at least equal utility value can be used.
- 6.20 Public Right of Way WO1 runs adjacent to the site but the proposed development would not obstruct any identified public rights of way.



Map WO1, Herefordshire Public Rights of Way

6.21 In this regard it is concluded that there would be no adverse impact upon the public right of way as a consequence of the proposal.

Access and local highway network

6.22 Policy MT1 requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also be designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space

6.23 Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.24 It is noted that the application for the retention of two stable blocks would not represent a significant intensification in isolation. However the cumulative impacts of the whole site have been identified to have potential effects. These impacts have been assessed by the Local Highways Authority who have offered no objection subject to adherence to the Transport Management Plan submitted in support of this application.

6.25 In line with the recommendation made by the Local Highways Authority the applicant has provided a strategy to reduce traffic movements to and from the site which has been accepted by the Area Engineer.

6.26 In light of this it is concluded that the impact of the intensification of the highway would not result in adverse highway safety impacts and the proposal therefore complies with CS policy MT1.

Ecology and Green Infrastructure

6.27 CS policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

6.28 Acknowledging the decision made by the planning committee on the 31 August 2022, it is noted that no subsequent Ecological Appraisal was received by the Local Planning Authority.

6.29 As the works are retrospective it is not possible to identify any environmental harm as a consequence of the proposal. Notwithstanding this, the Ecologist has reviewed the scheme and recommended compensatory measures to address any harm to biodiversity assets. This specifies the inclusion of three bat roosting features, three bird nesting boxes, two pollinating

insect homes and two hedgehog homes within the blue line identified on DWG01. These shall be submitted and approved by the local planning authority and shall remain in perpetuity.

- 6.30 Acknowledging the comments from the Tree Officer, it is acknowledged that appropriate supporting documents ought to have been submitted. However, there is no apparent evidence of harm. Nevertheless, the addition of a condition for a soft landscaping scheme to include additional compensatory measures is recommended. The details should be submitted and approved by the local planning authority and shall include a mix of native species which shall be retained for a period of 10 years to allow establishment.
- 6.31 In addition to this, given the potential impact of any proposed light spill a condition for the restriction of any external lighting is recommended.

Water Resources

- 6.32 CS policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar to enhance the local flood risk regime. Policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.
- 6.33 The site is within the hydrological catchment of the River Wye, with the most direct pathway from the site being via the How Caple Brook, with the nearest tributary to the How Caple Brook being over 500 metres to the west of the proposed site.
- 6.34 Given the site is within the hydrological catchment of the River Wye this triggers the requirement for an appropriate assessment. It is noted that the application was screened out for the purposes of a Habitat Regulations Assessment 30 October 2020, with subsequent consultations undertaken on the 21 October 2022, and the 4 September 2024 concluding the same. It has been concluded that there are no nutrient pathways presented by this application which would further compromise the River Wye and How Caple Brook
- 6.35 The proposal includes measures to deal with equestrian waste, with permission required from the Department for Environment, Food and Rural Affairs to spread the manure.
- 6.36 It is advised that no horse manure store should be located within 50 metres of a spring, well or borehole that supplies water for people to drink the storage. However, this is covered under separate legislation and could require a permit from the Department for Environment, Food and Rural Affairs.
- 6.37 The applicant has highlighted that surface water would be dealt with through the provision of a soakaway system. Given that no infiltration testing nor scheme has been presented these details are secured through condition.
- 6.38 With regard to this matter whilst acknowledging the concerns raised locally, there are no adverse impacts upon the River Wye SAC or the local water environment identified through consultation with the Ecologist. The proposal therefore complies with CS policies SD3 and SD4.

Further Comments

- 6.39 The proposed development does not have access to mains water and is reliant on a private water supply. The extraction of water from Private Water Supplies is controlled by separate

legalisation notably the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 and may require separate permission from the Environment Agency. This does not fall within the planning regime.

Conclusion

- 6.40 It is accepted that there is a policy tension with the proposed development and its impact upon the highway given its isolated location and reliance on private modes of transport and it is clear that the retrospective nature of the application is not well received. It is also accepted that there has been little material change in the supporting evidence provided with the application since it was deferred by the previous Committee on the 31 August 2022. Of particular note however is the subsequent granting of a Certificate of Lawful Development for 7 of the units under P231322/U which represent a significant material change on the site since it was previously considered.
- 6.41 In light of the particular circumstances set out above, it is concluded that the proposal is compliant with the Development Plan and as such it is recommended that the application is approved subject to conditions.

RECOMMENDATION

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

- 1. The development shall be carried out strictly in accordance with the approved plans [Drawing 001; Drawing 002; and Drawing 003], 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, Woolhope Neighbourhood Development Plan, and the National Planning Policy Framework.

- 2. The development shall be operated in accordance with the Traffic Management Plan dated February 2024.**

Reason: In order to ensure that the development is carried out without adversely affecting the safe and efficient flow of traffic and that traffic impacts are managed and shared spaces encouraged to mitigate any adverse impacts from the development. Thereby conforming with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 3. Within 6 months of the date of this permission a landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include scaled plan identifying all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy WNDP1 of the Woolhope Neighbourhood Development, and the National Planning Policy Framework.

- 4. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following its approval.**

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 and the National Planning Policy Framework

- 5. At no time shall any external lighting be installed on the site without the written approval of this local planning authority.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 6. Within 3 months of the date of this permission evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of three bat roosting box; three bird nesting boxes; two pollinating insect habitat homes and two hedgehog home on land, buildings or trees under the applicant's control should be supplied to and acknowledged by the local authority. These features and shall be maintained as approved thereafter.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

- 7. Within 6 months of the permission being issued, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 12 months of agreeing the details.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 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 demining 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 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) and the Habitats and Species Regulations (2019 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. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

3. The permission does not authorise the stopping up or diversion of a public right of way. A right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
4. The proposed development does not have access to mains water and is reliant on a private water supply. The officer notes that the extraction of Private Water Supplies is controlled by separate legislation notably the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 and may require separate permission from the Environment Agency for extraction.

Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 202258

SITE ADDRESS : SAPNESS FARM, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4RJ

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Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

MEETING :	PLANNING AND REGULATORY COMMITTEE
DATE:	11 DECEMBER 2024
TITLE OF REPORT:	241746 - PROPOSED SELF-BUILD DWELLING AND GARAGE AT LAND AT SUGWAS POOL HOUSE, SWAINSHILL, HEREFORDSHIRE, HR4 7QD For: Mr James per Mr Stephen Vaughan, The Heathers, 74 Ross Road, Hereford, Herefordshire, HR2 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241746
Reason Application submitted to Committee – Redirection	

Date Received: 10 July 2024

Ward: Credenhill

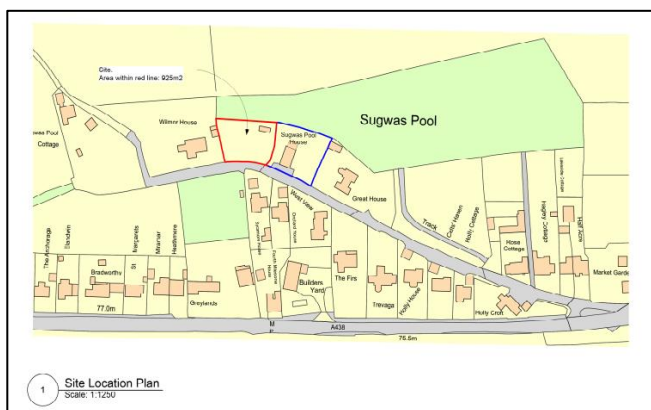
Grid Ref: 344950,242025

Expiry Date: 6 September 2024

Local Member: Cllr Charlotte Taylor

1. Site Description and Proposal

- 1.1 The application site is located towards the western end of a private road off the A438, approximately 4 miles west of Hereford. It is located to the north of the private road which also forms part of a Public Right of Way, SS12, which comprises part of the well-promoted ‘Wye Valley Walk’.
- 1.2 The application site itself comprises part of the established garden of Sugwas Pool House. It comprises a largely grassed area and is bound by a mixture of conifer hedgerow, post-and-wire fence, high close-board fencing and trees to the north, beyond the application site.
- 1.3 This application seeks full planning permission for the erection of 1 no. 4-bedroomed self-build dwelling with detached garage within the garden of Sugwas Pool House. Extracts from the submitted plans are below.



Site Location Plan



Site Layout Plan (559 – Drawing 32)

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 1.4 In addition to the submitted plans and elevations for the proposed dwelling and garage, the following supporting documents accompany the application:
- Soakaway Calculations;
 - Stormwater Percolation Test results;
 - Completed climate change checklist and biodiversity checklist;
 - Preliminary Ecological Appraisal;
 - Statement of Intent for Self-Build; and
 - Covering Letter

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

Relevant Policies:

- 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
- 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
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

2.2 Stretton Sugwas Neighbourhood Development Plan (NDP) made on 6 March 2020

Relevant Policies:

- SS1 - Protecting sensitive landscapes
- SS2 - Landscape design principles
- SS3 - Managing flood risk
- SS4 - Building design principles and protecting heritage
- SS6 - Settlement boundaries
- SS7 - Criteria for new housing sites

The Stretton Sugwas NDP was made on 6 March 2020. It now forms part of the Development Plan for Herefordshire. The NDP together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
<https://www.herefordshire.gov.uk/directory-record/3106/stretton-sugwas-neighbourhood-development-plan>

2.3 National Planning Policy Framework –

Relevant Sections:

- 2 - Achieving sustainable development
- 4 - Decision-making
- 5 - Delivering a sufficient supply of homes
- 6 - Building a strong, competitive economy

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 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

The revised National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be accessed using 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>

3. Planning History

- 3.1 P231760/F - Proposed dwelling and detached garage – Refused (31 July 2023)
- 3.2 P230345/FH - Proposed re-modelling of existing dwelling – Approved with conditions (1 June 2023)
- 3.3 P230267/FH - Proposed re-modelling of existing dwelling – Approved with conditions (27 April 2023)

4. Consultation Summary

4.1 Statutory Consultations

Dwr Cymru Welsh Water – Conditions recommended:

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water, since the proposal intends on 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.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

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

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com"

4.2 Internal Council Consultations

Area Engineer Team Leader – Conditions recommended:

"Following the appeal result for the neighbouring application (230727) the local highway authority reluctantly feels that if it was to object to this application for the same reasons it is very likely that, if it were to go to appeal, the result would be the same and the appeal allowed. Conditions: CAB (2m x 33m), CAD (5m)"

Ecology – Conditions recommended:

"The site is within River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific

and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The demonstration of the use all best available 'natural' technology to minimise the discharge of phosphates in to the River Wye SAC catchment must be demonstrated

Notes in respect of HRA

The proposal is for one new residential dwelling with associated new/additional foul and surface water flows (nutrient pathways) created.

- The site is within the mains sewer catchment for Welsh water's Hereford (Eign) Waste water Treatment Works that discharges into the River Wye at Rotherwas.
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.
- At this location the mains sewer system is managed through the Welsh Water Waste Water Treatment Works at Hereford (Eign) that discharges in to the upper section of the 'Middle Wye'
- The Hereford WWTW has capacity to manage the additional flows created.
- The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current Core Strategy 'Hereford' housing allowances that were subject to a positive HRA process at the time the CS was adopted.
- The supplied information confirms that all surface water created can be managed through an appropriately designed Sustainable Drainage system with local infiltration.

The approved foul and surface water management systems can be secured by condition on any planning permission finally granted.

Habitat Regulations - Nature Conservation (River Wye SAC) – Foul-Surface Water

Unless otherwise agreed in writing by the Local Planning Authority as detailed in the supplied plans and application form, all foul water flows created by the approved development shall be managed through a connection to the local mains sewer network; and all surface water managed through a Sustainable Drainage System. The approved foul and surface water scheme shall be managed and maintained as approved for the lifetime of the development it supports.

Reason: In order to ensure Nutrient Neutrality and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

With all mitigation fully embedded with the project – planning permission the required HRA process can be considered as being 'screened out' at Stage 1 and no full appropriate assessment is required and no consultation with Natural England is triggered.

Other ecology comments

Subject to appropriate occupation of the final dwelling by the applicant to secure the 'self-build' exemption to statutory Biodiversity Net gain will apply. If for any reason this is not the case then the statutory Biodiversity Net Gain condition will automatically become applicable and required appropriate and detailed information to formally 'discharge' must be submitted and approved by the LPA.

The ecology report by Cotswold Wildlife Surveys dated March 2023 is noted and refers. This report confirms that the proposed development is unlikely to impact and significant local habitats or protected species providing any external illumination is minimised to ensure the intrinsically dark landscape that benefits local amenity and nature conservation interest is maintained. A

relevant advisory to remind the applicant and their contractors of their own legal obligations towards wildlife protection is also 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 (roosts whether bats are present or not), Badgers, 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 is advised that advice from a local professional ecology consultant is obtained.

The site is in an intrinsically dark landscape that benefits local amenity and nature conservation interest, including light sensitive protected species such as multiple bat species. A condition to protect this ‘darkness’ is requested.

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

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council’s declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements:

To obtain Species Net Gain

Prior to first use of any development approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant’s control, of a minimum of THREE bird nesting features and THREE bat roosting features, of mixed types, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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

Public Rights of Way (PROW) Officer – No objection: “No objection to the dwelling. Access is via public footpath SS12 which will not be maintained to the standard of a metalled road by Herefordshire Council”.

Minerals and Waste Officer – No objection: “Thank you for consulting me on the above application. The site is identified as an area safeguarded for Minerals. This is due to the site being part a small area on the outskirts of the Hereford which is known to have a resource of sand and gravel. The NPPF states that the LPAs should not normally permit other development proposals in Mineral Safeguarding Areas where they might contain potential future use for these purposes. Given the characteristics of this site and its surrounds, together with there not currently being an immediate need within the County for sand and gravel, the physical sterilisation of this relatively small resource is not significant in a local and national context. Similarly, it is considered unlikely that the prior extraction of the resource would be environmentally and economically viable”.

5. Representations

5.1 Stretton Sugwas Parish Council – Qualified Comments:

“Stretton Sugwas Parish Council met on 5th September to discuss the above planning application.

It was noted that several residents have objected to the application on line and that some residents also object but do not have online access to submit objections. After a lengthy discussion the parish council noted that previous grounds to objecting the application had recently been dismissed on appeal for a similar proposed development along the same access road.

The parish council reached a split vote regarding whether to object or support the application but it was eventually agreed by a majority that the parish council could neither object on previous grounds or support the application and therefore the parish council wish to submit the following comment: The access road to the proposed dwelling would benefit from a passing place and also increased visibility on the junction of the lane and the A438.”

5.2 Four (4) letters of representation received from three (3) interested parties, all of whom object to the planning application. Your officer summarises the contents of these as follows:

- Highway & pedestrian safety;
- Intensification and lack of passing places along lane;
- Concerns of arrangement of A438 junction and no improvements proposed;
- Third party hedge maintained as agreed with the Local Highway Authority adjacent to A438 would not improve visibility splay; and
- Applicant motives

5.3 All representations 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=241746

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

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

6. Officer’s Appraisal

Policy context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Stretton Sugwas Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF), as most recently revised in December 2023, is also a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the NPPF 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 CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. 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 most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

Site History /Context

- 6.4 By way of background, the Local Planning Authority has previously refused a planning application for a similar development at this site (P231760/F), for the following sole reason:

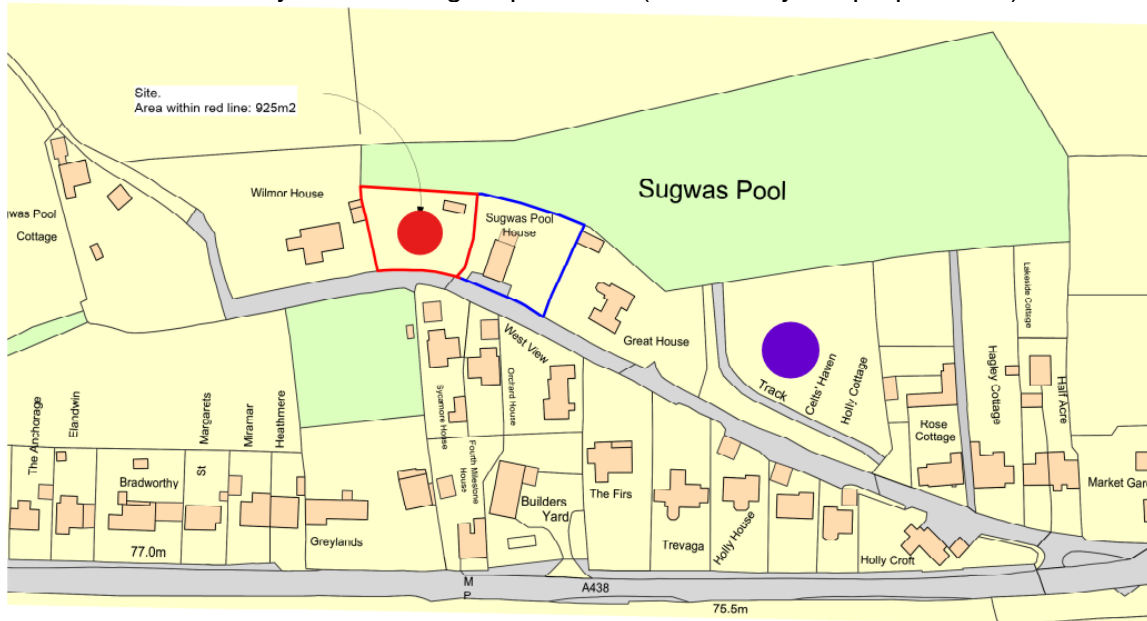
“The requisite visibility splays to the west of the A438 / Sugwas Pool Lane junction, based on the Design Manual for Roads and Bridges, cannot be achieved. For vehicles turning right onto the A438 it is likely that the western junction will be used because of the angle of the eastern junction. An objection therefore arises due to substandard visibility at the junction and the cumulative impact that a further dwelling at this location would have on highway safety. It is concluded that the lane has reached its capacity to accommodate new development and that the proposed development breaches the NPPF paragraph 111 stance on cumulative effects resulting in a severe impact on highway safety.

Moreover, insufficient information has been provided to verify the quantum and position of any existing passing places (not including private drives) between the A438 and the proposed site. This could result in additional vehicles reversing for long distances along what is a public right of way (SS12).

On this basis, the proposal runs contrary to Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and paragraphs 110 and 111 of the National Planning Policy Framework. In the context of the Council’s current five-year housing land supply position and the strong supply of housing within the parish, the modest social and economic benefits of the scheme do not outweigh the identified highway safety issues.”

- 6.5 This new application which has been submitted is as a result of a recent appeal allowed for 2 no. dwellings east of the application site albeit on the same lane at land between Great House and Rose Cottage (P230727/F and APP/W1850/W/23/3330825). For context and consistency, the Council had refused P230727/F for largely similar reasons to the previous application at Sugwas Pool House (P231760/F).

- 6.6 In allowing the appeal, the Planning Inspector concluded that the existing access and visibility was acceptable; and that there are sufficient passing places between that site and the junction of the A438. It effectively negated the concerns the Local Planning Authority had in respect of highway safety.
- 6.7 To assist an annotated map of the submitted Location Plan for this current application, to show members the relationship of application site (denoted by the red circle) and that of the appeal site which was allowed by the Planning Inspectorate (denoted by the purple circle).



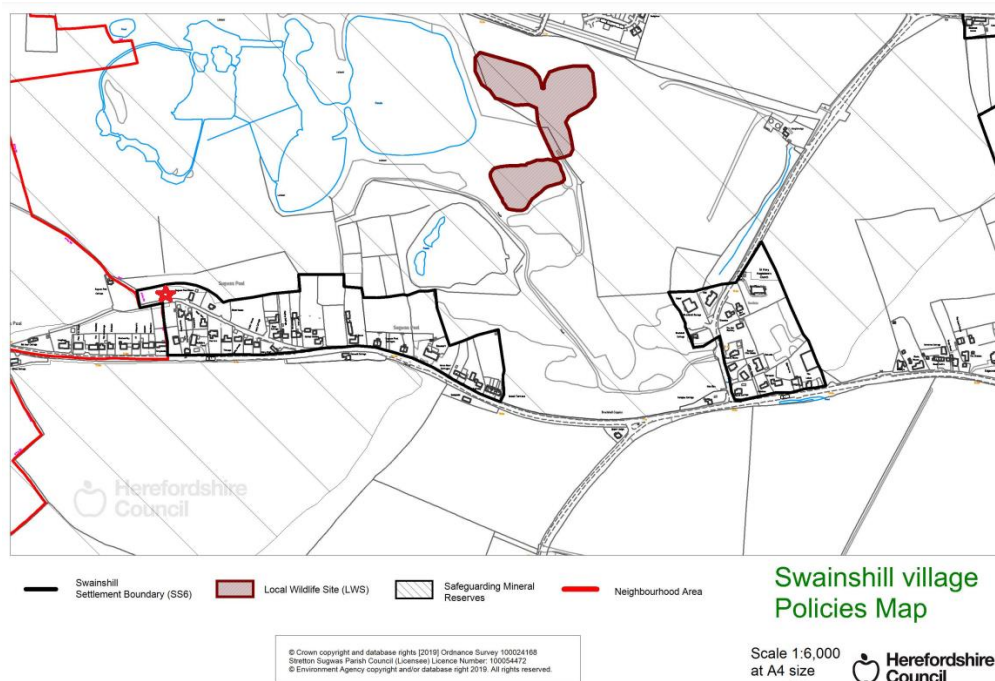
- 6.8 A copy of appeal decision APP/W1850/W/23/3330825 is also attached as an Appendix to this agenda item.

Principle of development

- 6.9 As the proposal involves housing, it is noted that the Local Planning Authority has recently updated its five-year housing land supply position, currently at 5.73 years as of 1 April 2024 (published October 2024). What this means in decision-making terms is that development proposals that accord with an up-to-date development plan should be approved without delay, as per Paragraph 11c of the NPPF (December 2023 published revision).
- 6.10 In terms of the principle of development, CS Policy SS1 echoes the NPPF's approach for a presumption in favour of sustainable development. Setting out the spatial strategy for delivery of new residential development across Herefordshire, CS Policy SS2 identifies that the majority of housing distribution is to be directed firstly to Hereford City and thereafter the five market towns of the county.
- 6.11 Beyond this and in the rural areas, new housing development will be acceptable where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community. A minimum of 5,300 new dwellings will be provided over the current plan period to contribute to the county's housing needs. As per Policy RA1, New dwellings will be broadly distributed across the county's rural areas on the basis of seven Housing Markets Areas (HMA). This acknowledges that different areas of Herefordshire have different housing needs and requirements.
- 6.12 To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified under Policy RA2 of the CS subject to technical considerations within the policy. As per

Paragraph 4.8.23 of the CS, where appropriate, settlement boundaries (or a reasonable alternative) for those settlements listed in Policy RA2 will be defined in NDPs.

- 6.13 Swainshill is identified as a settlement under Policy RA2 (refer to the Hereford 'Housing Market Area') as a main focus of proportionate housing growth. It is expected to accommodate a minimum of 18% growth in housing numbers up to 2031. Residential development in RA2 settlements should be located within or adjacent to the main built form of these settlements. This is to ensure that unnecessary, isolated, non-characteristic and discordant dwellings do not arise which would adversely affect the character and setting of a settlement and its local environment.
- 6.14 The made Stretton Sugwas NDP assists decision-makers where the neighbourhood area expects new residential development. The NDP has clearly defined a settlement boundary for Swainshill (refer to NDP Policy 'SS6'), which encompasses the area known as 'Sugwas Pool', to which the settlement comprises ribbon development along the A438 between the parish boundary and Brockhall Coppice, as well as ribbon development down Sugwas Pool Lane. Your officer show this identified settlement boundary below (edged in black), along with the application site identified by the star for both context and relationship:



- 6.15 The application site lies within the Swainshill settlement boundary defined in the NDP above. Swainshill is a settlement identified as a being the main focus of proportionate housing development during the current Core Strategy plan period.

Design

- 6.16 In terms of relevant policies, whilst design is often seen to be a subjective view, Policies SS6, SS7, RA2, SD1 and LD1 of the CS, which are consistent with a desire to achieving well-designed and beautiful places within the NPPF are of relevance. Policies SS1, SS4 and SS7 of the NDP are also relevant in this instance.
- 6.17 The submitted scheme would appear to be of reasonable quality and appropriate size relative to the plot. The proposed two-storey dwelling is intended to be in keeping with the masonry and slate roof constructions of well-established and more recent dwellings along the lane. The

proposed architectural detailing adds some visual interest to the dwelling and has been continued on the proposed garage.

Extracts of the proposed plans detailing the elevations (drawing number 33) and garage (drawing number 35) below:



- 6.18 Although noting the extension scheme and garage recently permitted at Sugwas Pool House, on balance, there would not be any sense of overdevelopment.
- 6.19 Solar PV and an ASHP are proposed from a climate change perspective; and further conditions can be attached as regards water use efficiency. Some weight is therefore attached to the environmental sustainability of the proposed dwelling.
- 6.20 The proposed development should be well related to the settlement within which it is located and respect the size of that settlement in terms of its scale and character and clearly shows a visual linkage to the existing built-up area along Sugwas Pool Lane.
- 6.21 The most recent Housing Market Area Needs Assessment available (July 2021) identifies that in the rural Hereford HMA, 25% of new market housing should be 4+ bedroomed dwellings.
- 6.22 It is viewed that the development would make efficient use of land - taking into account the local context and site characteristics. The proposed new buildings are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area. The proposal does not feature

a design specific to a generic “scheme” and displays how they take account of the locally distinctive character of the area in which they are to be sited, largely down to the ‘self-build’ nature of the proposed scheme.

- 6.23 In terms of design therefore, your officer is content that Policies SS6, SS7, RA2, SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF; and Policies SS1, SS4 and SS7 are satisfied. As recognised by the NDP at Policy SS4, materials should be chosen to match the existing building stock and conditioning of samples of materials can enable suitable materiality.

Residential Amenity

- 6.24 Turning to residential amenity, Policy SD1 of the CS strives to safeguard residential amenity for current and future occupiers, meaning a long-term perspective needs to be considered. This is consistent with Paragraphs 135 and 191 of the NPPF. Policies SS4 and SS7 also touch on residential amenity as part of wider design policy considerations.
- 6.25 It is considered that no concerns arise in relation to protecting neighbours’ residential amenities. Whilst noting the proximity of neighbouring dwellinghouses, the degree of separation and the intervening garage building means that there would be no significant loss of privacy or immediate outlook. Moreover, the proposed first-floor window looking west serve a landing space and would not result in any intrusive degree of overlooking (of the driveway at Wilmor House). It is concluded that residential amenity has been appropriately safeguarded.

Streetscene

- 6.26 Having regard to streetscene impacts, somewhat a by extension of design (and those aforementioned policies), the development is clearly of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care has been taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the streetscape. Your officer is satisfied that the proposed development would not adversely harm the character and appearance of the streetscene, satisfying Policies SS6, SS7, RA2, SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF; and Policies SS1, SS4 and SS7.

Landscape character and visual amenity

- 6.27 Turning to landscape character and visual effects, a decision-maker is directed to Policies SS6 and LD1 of the CS, which is consistent with Section 15 of the NPPF. It is acknowledged that the site lies outside of the areas of medium, high medium and high sensitivity landscapes as identified on Map 4 of the Stretton Sugwas NDP, though Policies SS1 and SS2 of the NDP, and to a lesser extent, Policy SS7.
- 6.28 The Council’s recent publishing of its updated Landscape Character Assessment confirms the site lies within the Lowland Farmlands Landscape Character Type (LCT). This is defined by the extent of the open low-lying ‘basin’ in the centre of the county. Its boundaries are marked by the change to the more wooded landcover and undulating topography of the surrounding wooded farmland and hills. This rural lowland landscape has dispersed historic villages and hamlets and the proximity to Hereford City influences the landscape to the south and north. The landscape has a gently undulating landform where fertile soils support a variety of agricultural land uses.
- 6.29 There is a historic field pattern of medium scale fields with larger fields resulting from recent modern amalgamation through loss of some original hedgerow boundaries. Hedgerows along roadsides and field boundaries are a key habitat. Tree cover is limited, with small copses and few hedgerow trees. This is added to by traditional orchards and tree groups around farmsteads and settlements. The settlement pattern is dispersed with scattered farmsteads, hamlets and villages often located along radial routes into Hereford and at crossroads, with a high level of access by

footpath and bridleway. The landscape has a rural character with a strong experience of dark skies and high levels of tranquillity, except along the busier trunk roads and on the outskirts of Hereford.

- 6.30 The overall strategy for the Lowland Farmlands LCA is to conserve the productive agrarian and horticultural character of the landscape while integrating interconnected habitats of native hedgerows, hedgerow trees and woodland copses, and extending meadows and wetland habitats. From a development management perspective, this includes integrating existing and new development within the landscape by using native hedgerows, trees and woodlands, and conserving the pattern of narrow winding lanes ensuring that their character is not lost through unsympathetic highway works, unnecessary signage, lighting, street furniture, or removal of hedgerow and trees. There is a desire to protect and manage the valued recreational use of the landscape, noting the close proximity to site and its relationship with the 'Wye Valley Walk'.
- 6.31 The development is designed to take account of local topography and in the view of officers does not break the skyline when viewed from public rights of way or highways within reasonable proximity to the application site. The development is appropriate to the rural character of the parish. The proposals has also provided consideration of the landscape design principles of Policy SS2 of the NDP. Whilst recognising that a new access will be formed onto the lane which necessitates the removal of the conifer hedgerow, the existing hedge will be replaced with more appropriate native species plants and aligned behind visibility splays. A rowan and field maple will also be planted to the south-west and south-east, respectively. The existing oak tree to the north-west will be retained and low level planting will be incorporated. Turning to hard landscaping, permeable block paving and paving slabs will define the parking/turning area and garden patio, respectively.
- 6.32 The proposed landscaping is considered to more appropriately reflect the landscape character type of Lowland Farmlands. The scheme includes local species where possible and is appropriate to the location and setting in terms of type, height, density and the need for on-going management, which can latterly be conditioned. Officers are content that the landscape character and visual effects of the development are conserved and modestly enhanced by way of the proposed landscaping scheme, satisfying Policies SS6 and LD1 of the CS, which is consistent with Section 15 of the NPPF; and Policies SS1, SS2 and SS7 of the NDP.

Highway Safety

- 6.33 As advised in site history, highway safety is a key factor in assessing this application. The local and national policy position is set out below for ease of reference.
- NPPF paragraph 114 says that development should ensure that safe and suitable access to the site can be achieved for all users. NPPF paragraph 115 says that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
 - Policy MT1 of the CS says that proposals should demonstrate that the strategic and local highway network can absorb traffic impacts without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts. Developments should be designed and laid out to achieve safe entrance and exit; and protect existing local and long distance footways.
 - Policy SS7 of the NDP says proposed development should not be of such a scale that it would have such an adverse impact on the local road network that cannot be satisfactorily mitigated.
- 6.34 A new vehicular access would be formed off Sugwas Pool Lane to serve the proposed development, with 2 metre x 33 metre visibility splays. Access to the site from Sugwas Pool Lane joins up with the A438 at a bifurcated junction. There is no denying the fact that the proposed development would further increase the use of the junction.

- 6.35 It is noted that several dwellings have been approved and completed along the lane which access to the application site would be taken from. Visibility at the junction with the A438 is also an issue identified by third parties. Previous applications at this site have recognised this also. Visibility is restricted for vehicles turning right off the A438 into the lane and for vehicles turning out of the lane in both directions. Attempts to improve visibility are prevented by third party land ownership constraints.
- 6.36 It should also be understood that the appeal decision is a material planning consideration in assessing this application.
- 6.37 Manual for Streets (MfS) and Manual for Streets 2 (MfS2) set out nationally accepted standards for visibility. The A438 has a 40mph speed limit. The Design Manual for Roads and Bridges (DMRB) also provides more appropriate visibility distances. It recommends that a visibility splay of 2.4 metres x 120 metres is applied. The Inspector in the appeal decision stated that in relation to the scheme for 2 no. dwellings, an Automatic Traffic Count (ATC) survey found that the 85th percentile speed for westbound traffic was 43.5mph. This triggered a requirement for an increased visibility splay of 2.4 metres x 151.2 metres to the west of the junction taking account of the actual speeds observed. Highways boundary data submitted with the appeal decision confirmed that the land within the 2.4 metres X 90.4 metres visibility splay onto the A438 is within the public highway, whereby the Local Highway Authority can impose hedge cutting.
- 6.38 Officers acknowledge that the Inspector in the appeal decision recognised that visibility remains substandard though paragraph 9 of the appeal decision states,
- “Personal Injury Accident (PIA) data confirms that no accidents have been recorded within the vicinity for the 5 years up to December 2021 and only 3 within the 10 years preceding that period. In addition, no PIAs were recorded at the bifurcated junction or on Sugwas Pool Lane itself during this time. While only collisions which involve personal injuries are recorded by the police, this nevertheless provides a relevant benchmark. My attention is drawn to an accident in 2015 in the vicinity of the junction and further collisions within the wider area. While specific details of these cases are not before me, there is no clear evidence that they were attributable to the operation of the junction.”* (Appeal Decision APP/W1850/W/23/3330825)
- 6.39 Officers accept that it is likely that a high proportion of trips to and from site would be made by private car to enable future occupiers of the dwellings to access local services and amenities, notwithstanding the presence of a footway which runs to the outskirts of Hereford City from the A438 junction subject to crossing the road on a couple of occasions.
- 6.40 Nevertheless, given the scale of the development, the proposal would give rise to a modest increase in trip generation. The intensification of the use of the junction and lane, as a consequence of the proposal, would be limited given the scale of the development proposed (1 no. dwelling).
- 6.41 There is no clear evidence to indicate that the existing arrangement, despite its deficiencies, including a shortfall in visibility in a westerly direction, is operating to the detriment of highway safety. In light of the modest proportional increase in traffic generation as a result of the proposal, it has not been demonstrated by any interested party that the intensification of the use of the junction of the scale proposed, would have an adverse impact on highway safety. In addition, officers are mindful of the advice in MfS2, which sets out that, while it has often been assumed that a failure to provide visibility at priority junctions in accordance with the values recommended will result in an increased risk of injury collisions, research has found no evidence of this.
- 6.42 With regards to the further intensification of Sugwas Pool Lane, the site is located a reasonable distance along the lane from its junction with the A438. Any effects would therefore be limited to this stretch of Sugwas Pool Lane. This lane is un-adopted and is a private driveway. While varying in width, the section of the driveway / lane between the site and the junction, is in part, wide

enough to allow vehicles to pass, which would limit the potential for conflicting vehicle movements. There are several private driveways accessing on to Sugwas Pool Lane, and pedestrians and vehicles do share the same surfaces. For these reasons, and due to the varied width and residential character, together with the presence of speed bumps, it is likely that vehicles travelling along it would be doing so at reduced speeds.

- 6.43 As such, given the low speed limit and generally low frequency of traffic on Sugwas Pool Lane, drivers entering the lane either from the A438 or the site would be likely to do so cautiously, until they can see any oncoming traffic or pedestrians, or lack thereof. Moreover, any such traffic would be visible to oncoming road users, including both drivers and pedestrians. The same would apply to any vehicles that need to reverse along a stretch of the lane to allow vehicles to pass, including construction vehicles. For these reasons, and in being consistent with the recent appeal decision, it would not be reasonable to conclude that additional traffic generated by the proposal, in addition to the existing development along the lane, would be harmful to highway or pedestrian safety.
- 6.44 It is likely that without any empirical evidence to demonstrate otherwise, refusing this current application on similar grounds may lead to an appeal being made and a real risk that this could not be successfully defended. The appeal decision recognises that in that particular proposal, development would not increase the risk of conflict between road users at the junction or along Sugwas Pool Lane so as to be harmful to highway safety. In the view of your officer, a further dwelling would not amount to a significant material intensification which would lead to conflict with Paragraph 115 of the NPPF, and would therefore satisfy Policy MT1 of the CS and Policy SS7 of the NDP.

Drainage

- 6.45 Having regard to Policies SD3 and SD4 of the CS, Policy SS3 of the NDP, and Section 14 of the NPPF, from information available to your officer, the site is not constrained by surface water and lies wholly within Flood Zone 1. The NDP strives to ensure that development is located in Flood Zone 1. It also expects that new development incorporates SuDS.
- 6.46 All additional foul water would be managed in this instance through a proposed connection to the local mains sewer system managed through Welsh Water's 'Eign' Waste Water Treatment Plant, to which Dwr Cymru Welsh Water, as the statutory undertaker, have no objections to. All additional surface water created would be managed through appropriate on-site Sustainable Drainage Systems, including soakaways and proposed driveway and parking areas being constructed in permeable paving.
- 6.47 Noting additionally the lack of a drainage reason for refusal on the previous application and having regard to the supplied soakaway calculations and stormwater percolation testing results, it would be accepted that the site can accommodate a suitable foul and surface water drainage strategy as proposed, in accordance with the aforementioned policies.

Ecology

- 6.48 From supplied and available information, the LPA has no reason to consider that there are likely to be any effects on protected species, satisfying Policy LD2 of the CS. The NDP is unfortunately silent on this important consideration. As recognised by the Council's Ecologist, the accompanying PEA includes appropriate precautionary working methods and recommendations for biodiversity enhancements. It would be appropriate to secure the implementation of all the report's recommendations, including new native planting, through a relevant condition(s). A relevant advisory to remind the applicant and their contractors of their own legal obligations towards wildlife protection is also requested if planning permission is granted.
- 6.49 The site is in an intrinsically dark landscape that benefits local amenity and nature conservation interest, including light sensitive protected species such as multiple bat species. A condition to

protect this 'darkness' is recommended if planning permission is granted, which Policy SS4 of the NDP supports to reduce unnecessary artificial light pollution. As identified in the NPPF, NERC Act, CS Policy LD2 and action within the council's declared Climate Change & Ecological Emergency, all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements as identified within the PEA. Mandatory Biodiversity Net Gain ('BNG') is a separate matter and discussed further later in this report.

Habitats Regulation Assessment (HRA)

- 6.50 The site is within River Wye Special Area of Conservation (SAC) catchment. The nature of the proposal triggers the legal requirement for a Habitat Regulations Assessment (HRA) process to be carried out by the Local Planning Authority. Policy SS1 of the NDP recognises that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets. This is consistent with Policies SD3 and SD4 of the CS, and Section 15 of the NPPF.
- 6.51 This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured. The HRA process must be completed with legal and scientific certainty and using a precautionary approach.
- 6.52 It is recognised that since August 2023, there have been changes in the conservation status of the River Wye SSSI – now subsequently downgraded to "unfavourable declining" by Natural England; and the HRA has been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England.
- 6.53 Put simply, the applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery. The demonstration of the use all best available 'natural' technology to minimise the discharge of phosphates in to the River Wye SAC catchment must be demonstrated.
- 6.54 The proposal is for one new residential dwelling with associated new/additional foul and surface water flows (nutrient pathways) created. The site is within the mains sewer catchment for Welsh water's Hereford (Eign) Waste water Treatment Works that discharges into the River Wye at Rotherwas. A mains sewer connection is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways, in line with CS Policy SD4. At this location, the mains sewer system is managed through the Welsh Water Waste Water Treatment Works (WWTW) at Hereford (Eign) that discharges in to the upper section of the 'Middle Wye'. The Hereford WWTW has capacity to manage the additional flows created. The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current CS 'Hereford' housing allowances that were subject to a positive HRA process at the time the CS was adopted.
- 6.55 The supplied information confirms that all surface water created can be managed through an appropriately designed Sustainable Drainage system with local infiltration. The approved foul and surface water management systems can be secured by condition on any planning permission finally granted, in accordance with CS Policies SS1, SS6, LD2, SD3 and SD4, which is consistent with Sections 14 and 15 of the NPPF, and Policy SS1 of the NDP. With all mitigation fully embedded with the project, the required HRA process can be considered as being 'screened out' at Stage 1. No full appropriate assessment is required and no consultation with Natural England is triggered.

Biodiversity Net Gain ('BNG')

- 6.56 In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
- 6.57 The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. There are exemptions which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.
- 6.58 Such exemptions are identified within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. The biodiversity gain planning condition does not apply in relation to planning permission for development which—
- “(a)consists of no more than 9 dwellings;
(b)is carried out on a site which has an area no larger than 0.5 hectares; and
(c)consists exclusively of dwellings which are self-build or custom housebuilding.*
- In this regulation “self-build or custom housebuilding” has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.”*
- 6.59 The applicant has submitted in supporting documents a 'statement of intent' insofar that this is a self-build development and the applicant is happy to accept a condition which will require the development, if approved, to be constructed as a self-build and/or custom housebuilding dwelling within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
- 6.60 This is to ensure that the development if granted is on the basis that it complies with the Self-Build and Custom Housebuilding Act 2015 and would be consequently exempt from the requirements to submit a Biodiversity Gain Plan in accordance with the provisions of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024. The statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains, which would still be secured as clarified above.

Other Considerations

- 6.61 A search of available information indicates that there are no designated or non-designated heritage assets in the vicinity of the application site.
- 6.62 It is noted that access is via public footpath SS12 which will not be maintained to the standard of a metalled road by Herefordshire Council. Suitable informatives in terms of driving vehicles over a PROW can be drawn to the attention of the applicant on any grant of planning permission.
- 6.63 As recognised by the Council's Minerals and Waste Officer, the site is identified as an area safeguarded for minerals. This is due to the site being part a small area on the outskirts of the Hereford which is known to have a resource of sand and gravel. Given the characteristics of this site and its surrounds, together with there not currently being an immediate need within the County for sand and gravel, the physical sterilisation of this relatively small resource is not

significant in a local and national context. Similarly, it is considered unlikely that the prior extraction of the resource would be environmentally and economically viable.

- 6.64 An applicants' motive is not a material planning consideration.
- 6.65 Whilst officers understand the concerns expressed by third parties and the request of Stretton Sugwas Parish Council, in respect of passing places, the Local Highway Authority's remit is confined to assessing and addressing traffic impacts within the defined red line boundary of the proposed development site. Creating passing places along the lane falls outside of this scope, as such measures typically require the use of private land beyond the highway's legal extent.

Conclusion

- 6.66 In terms of decision-making, the NPPF, which is consistent with Policy SS1 of the CS, applies a presumption in favour of sustainable development. Your officer draws attention to the appeal decision just to the east of this site, which is a material planning consideration in determining this application. The appeal decision recognises that the Council's previous concerns pertaining to highway safety in terms of visibility onto the A438 and traffic along the lane to be unsubstantiated. Regardless of how one may feel about the allowing of the appeal, this decision must be respected.
- 6.67 The aforementioned appraisal has considered relevant technical considerations. Having regard to the appeal decision, its likely that should the Local Planning Authority refuse the planning application on similar grounds to previously, unless having empirical evidence to demonstrate otherwise, such a decision would be difficult to sustain given the scale of the proposed development and it is likely that costs would be awarded against the Local Planning Authority.
- 6.68 As such, given the Local Planning Authority is currently able to demonstrate a deliverable five year housing land supply, in applying Paragraph 11c of the NPPF and taking all matters into consideration, your officer views that the application accords with the relevant policies of the adopted development plan. Planning permission should therefore be granted subject to the suggested planning conditions set out in the officer recommendation to secure an appropriate form of development.
- 6.69 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (SI 2018 No. 566), any pre-commencement conditions (Conditions 4 and 5 in this instance) will require the agreement by the applicant/agent in writing. Agreement of pre-commencement conditions can take place following resolution, if members are minded to grant planning permission.

RECOMMENDATION

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

Standard Conditions

1. C01 – Time Limit for Commencement

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

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

2. C06 – Development in accordance with approved plans

The development shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

3. CBK – Restriction on working hours during construction

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, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

4. CAT – Construction Traffic 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, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

5. CKM – 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; unless otherwise agreed in writing by the local planning authority.

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.

Relevant Commencement Conditions

6. CAB – Visibility Splays

Visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

7. CAD – 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, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

8. C13 – Samples of External Materials

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Occupancy Conditions

9. CNS – Non-standard condition

Prior to first use of any development approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of THREE bird nesting features and THREE bat roosting features, of mixed types, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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

10. CE6 – 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, Policies SS2 and SS4 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

11. CB2 – Implementation of secure cycle storage

Prior to the first occupation of the development hereby permitted, the covered and secure cycle parking facilities shall be carried out in strict accordance with drawing number 559-32 (Proposed Site Layout) 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 with the requirements of Policies SS4, SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

12. CK4 – Landscaping Implementation

All planting, seeding or turf laying in the approved landscaping scheme (drawing number: 559-32) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

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

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies SS1, SS2, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

13. CK5 – Landscaping Maintenance Plan

Before the development is first occupied, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies SS1, SS2, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

14. CNS – Non-standard condition

The development hereby permitted shall not be occupied until the means of access for vehicles has been constructed in accordance with details as shown on drawing number 559-32. The access shall be retained thereafter.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

15. CNS – Non-standard condition

The development hereby permitted shall not be occupied until an area for the parking and turning of vehicles to serve each dwelling has been constructed in accordance with drawing number 559-32. These areas shall be kept clear of obstruction and available for such uses in perpetuity thereafter.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

16. CNS – Non-standard condition

Unless otherwise agreed in writing by the Local Planning Authority as detailed in the supplied plans and application form, all foul water flows created by the approved development shall be managed through a connection to the local mains sewer network; and all surface water managed through a Sustainable Drainage System, details of which shall be submitted to and agreed in writing by the local planning authority. The system shall be implemented in full accordance with the approved details and shall be retained as such thereafter in perpetuity. The approved foul and surface water scheme shall be managed and maintained as approved for the lifetime of the development it supports.

Reason: In order to ensure Nutrient Neutrality and 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), Herefordshire Local Plan – Core Strategy policies SS1, SS6, LD2, SD3 and SD4, and Policies SS1, SS3, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan.

17. CNS – Non-standard condition

The dwelling hereby permitted shall be constructed as a self-build dwelling within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted shall be by a person or persons who have had a primary input into the design and layout of the dwelling and two months prior to the first occupation of the unit, the Council shall be notified of, and shall agree in writing, details of the persons who intend to take up first occupation. The dwelling shall be occupied in accordance with the approved details.

Reason: The approved development is granted on the basis that it complies with the Self-Build and Custom Housebuilding Act 2015 and is consequently exempt from the requirements to submit a Biodiversity Gain Plan in accordance with the provisions of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Post-Occupancy/on-going compliance conditions

18. CNS – Non-standard condition

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

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

environment, in accordance with Policies SD1, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies SS1, SS3, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

19. CNS – Non-standard condition

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, LD2 and LD3; Herefordshire Council's declared Climate Change and Ecological Emergency, and Policies SS1, SS2, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan.

20. C58 – Domestic use only of garage

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

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Informatives

1. IP1 – Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. INS – Non-standard 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 (roosts whether bats are present or not), Badgers, 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.

3. I05 – No drainage to discharge to highway

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

4. I10 – Access via a public right of way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.

5. I11 – Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

6. I45 – Works within the highway

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

7. I50 – Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact Balfour Beatty (Managing Agent for Herefordshire Council) Public Rights of Way Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).

8. INS – Non-standard informative

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

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Appendix 1 – Appeal Decision – APP/W1850/W/23/3330825 – Land between Great House and Rose Cottage, Swainshill, Hereford, HR4 7QD (attached)

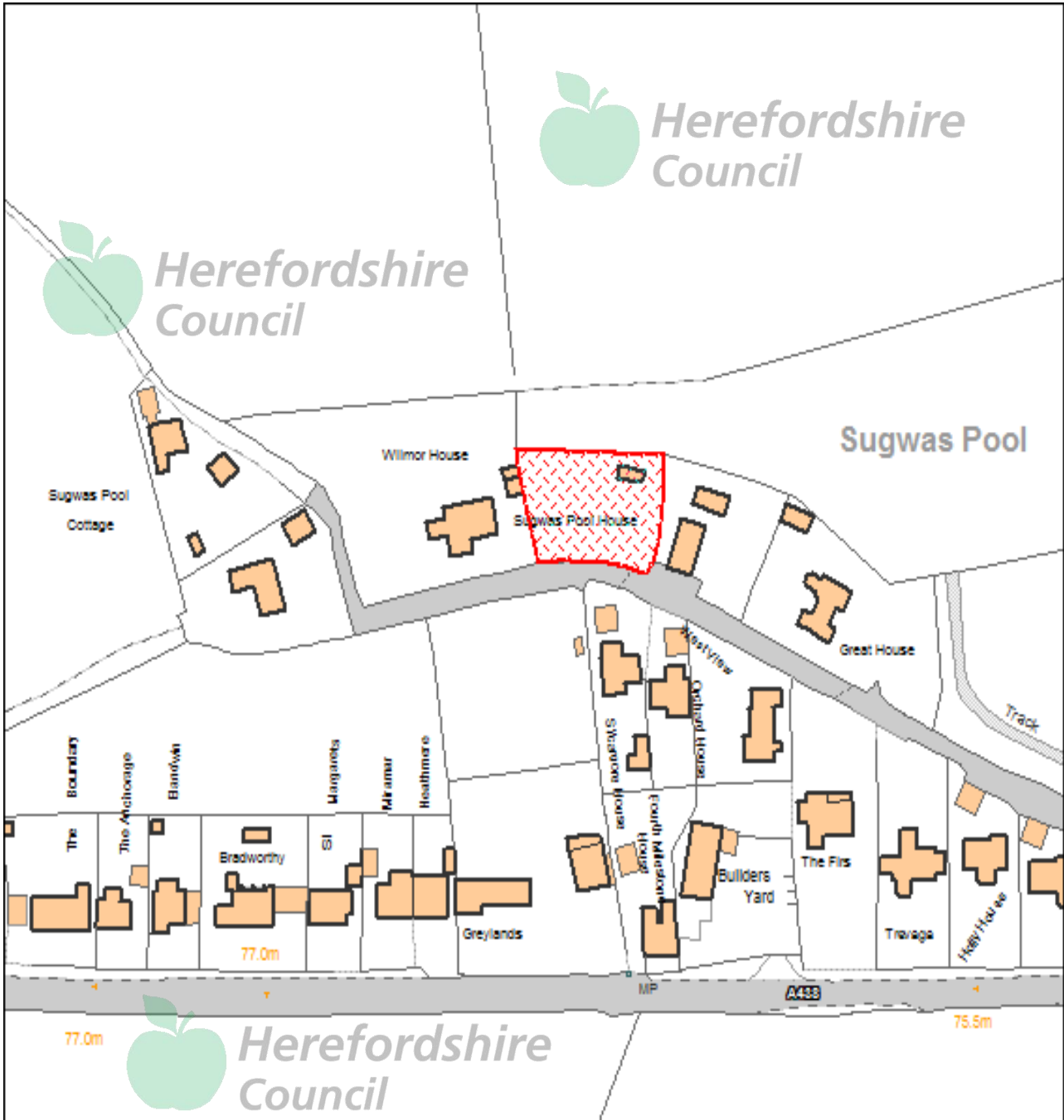
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 241746

SITE ADDRESS : LAND AT SUGWAS POOL HOUSE, SWAINSHILL, HEREFORDSHIRE, HR4 7QD

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



Appeal Decision

Site visit made on 26 June 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 July 2024

Appeal Ref: APP/W1850/W/23/3330825

Land between Great House and Rose Cottage, Swainshill, Hereford HR4 7QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Lewis against the decision of Herefordshire Council.
 - The application Ref is P230727/F.
 - The development proposed is the erection of 2 no. dwellings and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. dwellings and associated works at land between Great House and Rose Cottage, Swainshill, Hereford HR4 7QD in accordance with the terms of the application, Ref P230727/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal site comprises a parcel of agricultural land which fronts Sugwas Pool Lane. there are residential properties opposite the site and to either side, and an area of woodland to the rear. The proposal would see the construction of 2 detached dwellings, with access to the site proposed from Sugwas Pool Lane, a no through road, which joins the A438 at a bifurcated junction. The proposed development would therefore increase the use of the junction.
4. Given the layout of the bifurcated junction, it is likely that drivers would use Junction 1 rather than Junction 2, which is at an oblique angle, when egressing the lane onto the A438. The Council's main concern is the lack of visibility for vehicles turning right out of Sugwas Pool Lane to join the A438.
5. Manual for Streets (MfS) and Manual for Streets 2 (MfS2) set out nationally accepted standards for visibility. However, as the A438 has a 40mph speed limit, the Design Manual for Roads and Bridges (DMRB) provides more appropriate visibility distances. It recommends that a visibility splay of 2.4m x 120m is applied. Notwithstanding this, the appellant's Automatic Traffic Count (ATC) survey found that the 85th percentile speed for westbound traffic was 43.5mph. This exceeds the speed limit and triggers a requirement for an increased visibility splay of 2.4m x 151.2m to the west of the junction taking account of the actual speeds observed.

6. Drawing No. SK04 Revision A¹ shows that the maximum achievable visibility splay measured to a 1m offset from the kerb line in a westerly direction is 2.4m X 90.4m. While the drawing shows that a greater distance of 113m could be achieved if measured to the centreline, this methodology would only apply to traffic approaching from the left² and the shortfall in this case involves traffic approaching the junction from the right. The distance of 90.4m would fall short of the required 2.4m X 151.2m splay, as set out in the DMRB.
7. The Highway Authority (HA) has expressed concern that the 2.4m X 90.4m splay could not be achieved, as it includes a third-party hedge which encroaches onto land which falls within the visibility splay. However, the highway boundary data, which is not disputed by the HA, indicates that the land within the 2.4m X 90.4m visibility splay is within the public highway, whereby the HA could impose hedge cutting.
8. I understand that work to improve the junction was carried out after a fatal collision in 2002, nonetheless, visibility remains substandard, as documented by the detailed analysis by the Council and interested parties. The current circumstances are the subject of concern, and residents contest to several 'near misses' which have occurred in the locality, although it is not clear the types of incidents these include. However, on the basis that they did not result in a collision, this suggests that the road characteristics and conditions are such that an accident was avoided.
9. Personal Injury Accident (PIA) data confirms that no accidents have been recorded within the vicinity for the 5 years up to December 2021 and only 3 within the 10 years preceding that period. In addition, no PIAs were recorded at the bifurcated junction or on Sugwas Pool Lane itself during this time. While only collisions which involve personal injuries are recorded by the police, this nevertheless provides a relevant benchmark. My attention is drawn to an accident in 2015 in the vicinity of the junction and further collisions within the wider area. While specific details of these cases are not before me, there is no clear evidence that they were attributable to the operation of the junction.
10. I accept that it is likely that a high proportion of trips to and from the site would be made by private car to enable future occupiers of the dwellings to access local services and amenities. Nevertheless, given the scale of the development, the proposal would give rise to only a very modest increase in trip generation. The appellant's submissions highlight that the development would generate 1 vehicle trip during both the 60 minute morning and evening peak periods and approximately 8 vehicle trips throughout a 12 hour weekday period.
11. Several interested parties have expressed concern regarding the accuracy of the anticipated number of vehicular movements given the sources, timing, and methodology. Even if I were to accept those figures suggested by others, they do not differ significantly from those put forward by the appellant and would not amount to a material increase in traffic overall. As such, while I acknowledge there have been other recent residential developments on Sugwas Pool Lane, the intensification of the use of the junction and lane, as a consequence of the appeal proposal, would be limited given the scale of the development proposed.

¹ Junction 1 – Existing Access Visibility Assessment

² Paragraph 7.7.5 of MfS

12. There is no clear evidence to indicate that the existing arrangement, despite its deficiencies, including a shortfall in visibility in a westerly direction, is operating to the detriment of highway safety. Moreover, in light of the modest proportional increase in traffic generation as a result of the proposal, it has not been demonstrated that the intensification of the use of the junction of the scale proposed, would have an adverse impact on highway safety. In addition, I am mindful of the advice in MfS2, which sets out that, while it has often been assumed that a failure to provide visibility at priority junctions in accordance with the values recommended will result in an increased risk of injury collisions, research has found no evidence of this.
13. The Council raise further highway safety concerns regarding the intensification of the use of Sugwas Pool Lane, which is also a public right of way that is popular with walkers, by additional vehicular traffic. The appeal site is located a short distance along the lane from its junction with the A438, any effects would therefore be limited to this stretch of Sugwas Pool Lane. While it varies in width, the section of the carriageway between the site and the junction, is in part, wide enough to allow vehicles to pass, which would limit the potential for conflicting vehicle movements. While I appreciate it is only a snapshot in time, I observed at my site visit the lane was lightly trafficked. There are several private driveways accessing on to Sugwas Pool Lane, and pedestrians and vehicles share the same surfaces. For these reasons and due to the varied width and residential character, together with the presence of speed bumps, it is likely that vehicles travelling along it would be doing so at reduced speeds.
14. As such, given the likely low speed limit and generally low frequency of traffic on Sugwas Pool Lane, drivers entering the lane either from the A438 or the appeal site would be likely to do so cautiously, until they can see any oncoming traffic or pedestrians, or lack thereof. Moreover, any such traffic would be visible to oncoming road users, including both drivers and pedestrians. The same would apply to any vehicles that need to reverse along a stretch of the lane to allow vehicles to pass, including construction vehicles. For these reasons, I am unable to conclude that additional traffic generated by the appeal proposal, in addition to the existing development along the lane, would be harmful to highway or pedestrian safety.
15. My attention is drawn to planning permission for a new dwelling at Sugwas Pool House³ which was refused by the Council for the same reason as the appeal scheme. However, I do not have full details in respect of the development so I cannot be sure of the circumstances of the case. In any event, I have determined the appeal on its own merits, based on the evidence before me.
16. For the reasons set out above, I find that the scheme would not increase the risk of conflict between road users at the junction or along Sugwas Pool Lane so as to be harmful to highway safety. Accordingly, it would not conflict with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-2031 (HLP) which requires development proposals to demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic, and Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan 2019-2031 which requires sites for new housing development, among other things, not to have such an adverse impact on the local road network that it cannot be

³ LPA Ref. 231760

satisfactorily mitigated. It would also reflect the aims of the Framework that seek to ensure safe and suitable access can be achieved, and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

17. Even if the housing target for the local area has been exceeded, this would not preclude further residential development of the type proposed.
18. The Council is satisfied that the submitted Flood Risk Assessment and Drainage Strategy includes appropriate measures to ensure that the development would not be at risk of flooding or exacerbate any existing flooding issues. There is no substantive evidence that the methodology adopted was incorrect or that the assessment is flawed, so as to draw me to a different conclusion.
19. Subject to the imposition of planning conditions, appropriate mitigation and enhancement measures could be secured to ensure that ecological interests would be satisfied.
20. Interested parties have raised concern regarding the effect of the development on the rural character and appearance of the area, and the design and appearance of the proposed dwellings. However, the Council has not objected to the proposal on these grounds, subject to a condition to agree the external materials to be used. Moreover, given the existing layout of the residential development and the mix of dwellings of different sizes and designs along the lane, I have no reason to reach a different view.
21. The proposed dwellings would be set back from the front boundary of the site, with intervening front gardens, parking and carriageway between the windows in the front elevations of the dwellings and the residential properties on the opposite side of Sugwas Pool Lane which face towards the appeal site. As such, the proposal would not give rise to a demonstrable loss of privacy or appear unduly dominating. The development would therefore not interfere with the occupiers of the neighbouring properties right to respect for their private family life and home.
22. While I acknowledge concern expressed by local residents, there is no clear evidence that the proposal would lead to any undue pressure on existing infrastructure, including the school and pumping station.
23. Furthermore, the maintenance costs relating to the lane is a civil matter that falls outside of the planning regime.

Appropriate Assessment

24. The site is within the hydrological catchment of the River Wye Special Area of Conservation (SAC), designated for its qualifying species of aquatic flora and fauna. There is potential for the development, through additional foul and surface water flows, in combination with other developments, to result in adverse effects on the integrity of the SAC through additional nutrient loading and other contaminants.
25. Natural England advise that mitigation in the form of suitable foul water and surface water disposal and a Construction Environmental Management Plan

(CEMP), to include details as to how construction works will prevent damage to the SAC, can avoid such adverse effects. In this case, such measures can be secured through planning conditions. Following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am, therefore, satisfied that adverse effects on the integrity of the SAC will be avoided.

Conditions

26. The conditions set out in the accompanying schedule are based on those suggested by the Council in their appeal statement should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance. In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty.
27. Notwithstanding the details shown on the submitted plans, a condition to agree the external materials is necessary to safeguard the character and appearance of the area, as is a condition to require the implementation of the approved landscaping scheme. In the interests of highway safety, a condition is necessary to set back any access gates from the edge of the carriageway, as well as conditions to agree details of the vehicular access and parking/turning provision to serve the development. To encourage the use of sustainable transport modes, details of cycle parking is necessary.
28. In order to conserve and enhance protected and priority species and allow the Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the Framework, conditions are necessary to control external lighting, to ensure the development is carried out in accordance with the submitted Phase 1 Extended Ecological Survey, and in relation to the disposal of surface and foul water. For the same reason, a condition to secure a Construction Environmental Management Plan is necessary. This is a pre-commencement condition because the protection measures need to be agreed before any works on site take place.
29. A condition to agree details of measures to promote efficient use of water are required in accordance with Policy SD3 of the HLP.
30. Given my findings in relation to the existing visibility at the junction of Sugwas Pool Lane and the A438, a condition to require the provision of visibility splays is not necessary.

Conclusion

31. For the reasons given, the appeal should be allowed.

E Worley

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX 0001 P02 Site Location Plan; PL0002 P02 Proposed Block Plan; PL3000 P03 Proposed Site Plan; PL3100 P04 Plot 1_ Proposed Floor Plans; PL3101 P02 Plot 1_ Proposed Floor Plans; PL3200 P04 Plot 1_ Proposed Elevations; PL3201 P02 Plot 2_ Proposed Elevations; PL3202 P01 Proposed Street Scene; PL 3300 - P04 - Plot 1_ Proposed Sections A-A and B-B; PL3301 P02 Plot 2_ Proposed Sections A-A and B-B.
- 3) Notwithstanding the details shown on the submitted plans, no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 4) Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.
- 5) The development hereby permitted shall not be occupied until the means of access for vehicles has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority. The access shall be retained thereafter.
- 6) The development hereby permitted shall not be occupied until an area for the parking and turning of vehicles to serve each dwelling has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These areas shall be kept clear of obstruction and available for such uses in perpetuity thereafter.
- 7) Prior to the first occupation of the development hereby permitted a scheme showing details of covered and secure cycle parking facilities to serve each dwelling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is occupied and, thereafter, shall be maintained and kept available for the purpose specified in perpetuity.
- 8) Any external lighting installed or operated on the site shall be low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches only. Prior to the installation of any other external lighting on the site, details of the design, location, and the intensity of illumination of the lighting shall be submitted to and approved in writing by the local planning authority. Only the approved lighting shall be installed and shall be maintained in accordance with the approved details.
- 9) Unless otherwise approved in writing by the local planning authority, all foul water created by the development hereby approved shall discharge through

connection to the local 'Hereford-Eign' mains sewer system managed by Welsh Water.

- 10) Unless otherwise approved in writing by the local planning authority, all surface water shall discharge through a suitably sized soakaway infiltration system, details of which shall be submitted to and agreed in writing by the local planning authority. The system shall be implemented in full accordance with the approved details and shall be retained as such thereafter in perpetuity.
- 11) The ecological protection, mitigation, compensation and working methods scheme including the biodiversity enhancements, as recommended in the Phase 1 Extended Ecological Survey by HEC dated December 2022 shall be implemented and thereafter maintained in full, unless otherwise approved in writing by the local planning authority.
- 12) Prior to the commencement of the development, including site clearance or demolition, or equipment and materials being moved on to site, a Construction Environmental Management Plan (CEMP) including a fully detailed and specified Ecological Working Method Statement and details of an appointed Ecological Clerk of Works, shall be submitted to, and approved in writing by the local planning authority. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been removed, unless otherwise agreed in writing by the local planning authority.
- 13) All planting, seeding or turf laying comprised in the approved details of landscaping as shown on drawing no.PL3000 P03 shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner: and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) 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. The approved measures shall be fully implemented prior to the first occupation of the dwellings and shall be retained thereafter in perpetuity.

******* end of conditions*******

