

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

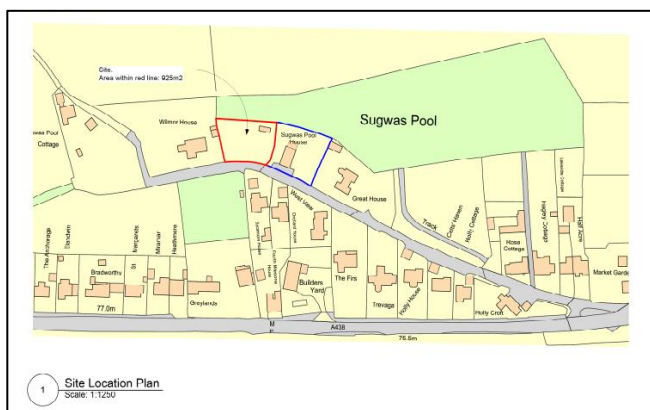
Grid Ref: 344950,242025

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)

- 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

- 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:

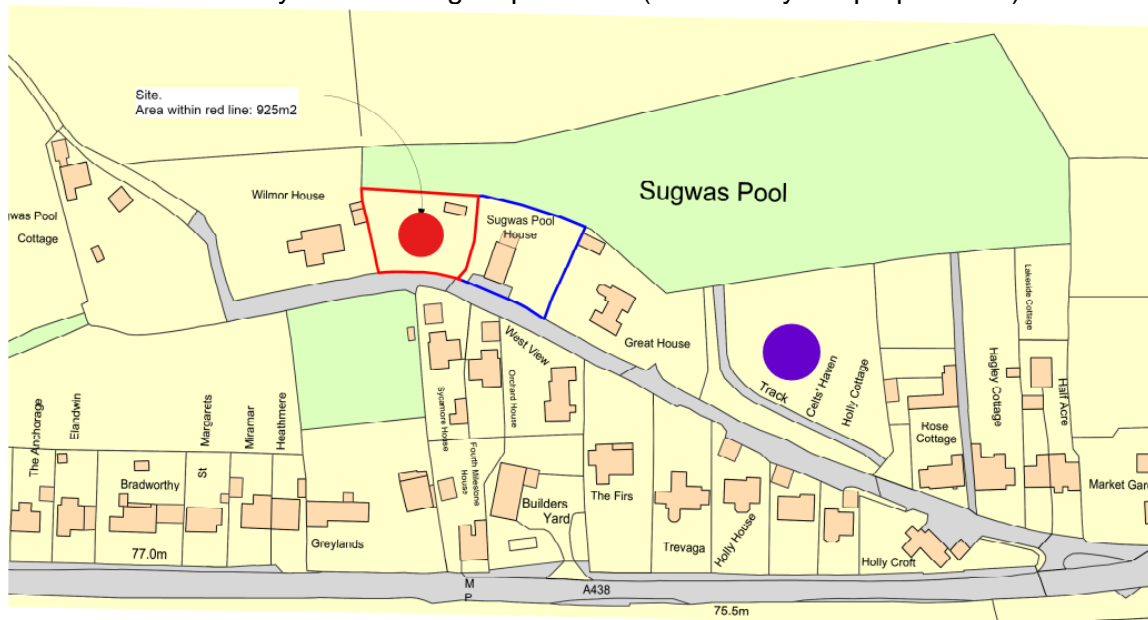
“The requisite visibility splays to the west of the A438 / Sugwas Pool Lane junction, based on the Design Manual for Roads and Bridges, cannot be achieved. For vehicles turning right onto the A438 it is likely that the western junction will be used because of the angle of the eastern junction. An objection 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).



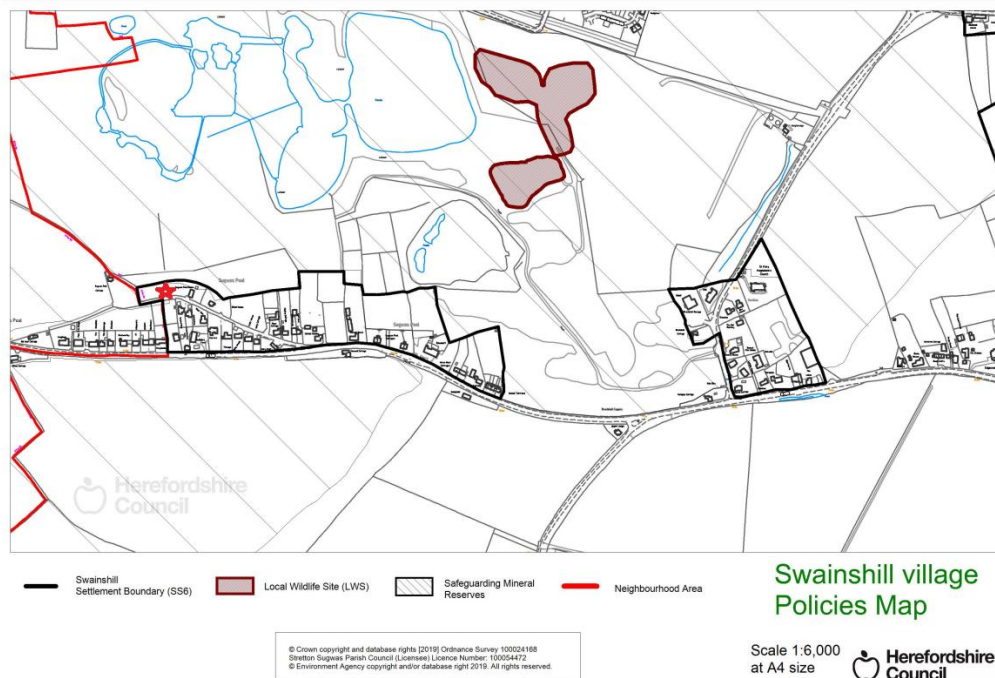
- 6.8 A copy of appeal decision APP/W1850/W/23/3330825 is also attached as an Appendix to this agenda item.

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, it is 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)

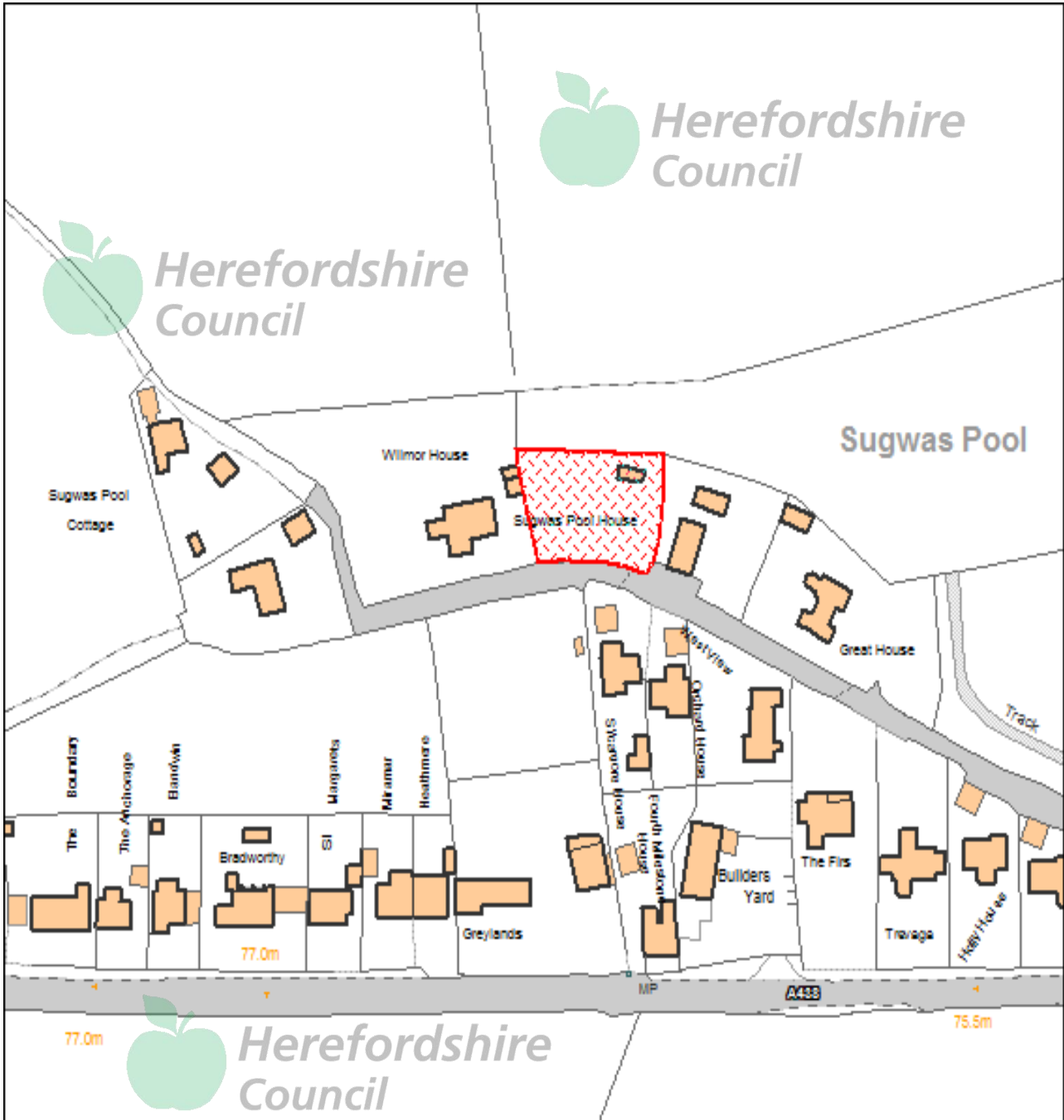
Decision:

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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