

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	9 APRIL 2025
TITLE OF REPORT:	243018 – OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE PROPOSED ERECTION OF TWO SELF-BUILD DWELLINGS AT LAND AT HELENSWOOD FARM, KINGSTHORNE, HEREFORDSHIRE, HR2 8AL For: Ms M Jones & Mr R Boney per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243018
Reason Application submitted to Committee – Redirection	

Date Received: 25 November 2024 Ward: Wormside Grid Ref: 349769,232028
Expiry Date: 20 January 2025

Local Members: Cllr Richard Thomas (Wormside Ward)
Cllr Toni Fagan (Birch Ward – Ward adjoining)

1. Site Description and Proposal

- 1.1 The application site comprises a largely rectangular parcel of improved grassland with a simple sheet metal and block walled barn located at Helenswood Farm, Kingsthorne (also known as King's Thorn). It lies approximately 5.5 miles south of Hereford City Centre. Whilst much of Kingsthorne is within the parish of Much Birch, it is acknowledged that part of the C1263 and land to the west of it, including the application site, falls within the parish of Much Dewchurch.
- 1.2 In terms of site characteristics, there are hedgerow boundaries to the east and south and partly to the north. Topography falls away from east to west across the application site. Whilst there are no heritage or landscape designations, there is woodland ('Helen's Wood' – identified as Ancient Woodland and a Local Wildlife Site (LWS)) to the west. To the north, across a private track, is a dwelling known as Helenswood (in applicants' ownership). To the north-east and east are dwellinghouses and associated curtilages which address the C1263. The application site is accessed off a private track directly off the C1263 which is located between the curtilages of Ivy Cottage and Croftbank. The track is used locally for recreational access to Helenswood and beyond.
- 1.3 This application seeks outline planning permission, with all matters reserved, for the erection of 2 no. self-build dwellinghouses and associated infrastructure. The existing barn on site would be demolished as part of the proposals.
- 1.4 To clarify, outline planning permission largely only considers whether a development is acceptable in principle. Should outline planning permission be granted, an applicant would be required to apply to the Local Planning Authority for further details known as 'Approval of Reserved Matters' before any works commence on site. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline

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

planning application, (i.e. they can be 'reserved' for later determination). These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<https://www.legislation.gov.uk/uksi/2015/595/article/2/made>) as follows:

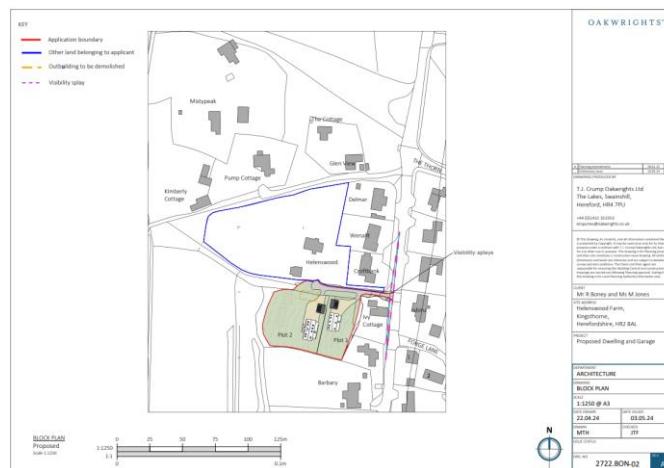
- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

1.5 Reserved Matters can be withheld in their entirety, as is proposed in this particular case; or on an individual basis.

1.6 This application is submitted with the following plans/supporting documents:

- Application Form, including completion of Certificate D;
- Location Plan;
- Illustrative Site Plan (shown indicatively);
- Plot Passport Document (shown indicatively);
- Phase One Ecological Survey; and
- Drainage Strategy/Plan

1.7 The location plan also includes the private access road off the C1263 by which the site is currently accessed. It is understood that there is no title for this access road and accordingly Certificate D has been completed and the requisite notice placed in the local press by the applicant. The location plan has however been amended since validation to omit land which falls under the ownership of Ivy Cottage which has come to light since validation of this application. The revised location plan is provided below for completeness. It is advised that the position of the dwellinghouses, including their scale, layout, appearance, landscaping and point of access is shown indicatively at this time and is not a consideration at this time.



Location Plan

- 1.8 Please note that the consultation period in relation to the amended location plan expires on 2nd April 2025. Any additional representations received following the publication of the officer report will be provided to the committee in the publicised Schedule of Updates along with any changes to the recommendation that may result from representations received.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted October 2015 (CS)

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS3 – Releasing land for residential development
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- 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
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 34 of the revised National Planning Policy Framework (NPPF) require 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 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed, are considered consistent with the NPPF and therefore attributed significant weight. The Herefordshire Local Plan – Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

2.2 Much Dewchurch Neighbourhood Plan

A Neighbourhood Plan is not currently being prepared for the Neighbourhood Area

2.3 National Planning Policy Framework (NPPF)

Revised on 12 December 2024 (please note that the National Planning Policy Framework was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024):

- 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 places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

The NPPF sets out the government's planning policies for England and how these are expected to be applied in both plan-making and decision-making. This supersedes the most recently revised version published on 20 December 2023. The revised NPPF can be viewed using the following link:- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 National Planning Practice Guidance (NPPG)

The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

3. Planning History – None

4. Consultation Summary

Statutory Consultations

4.1 Forestry Commission – No objections; standard advice issued

"Planning Application for Land at Helenswood Farm, Kingsthorpe, Herefordshire, HR2 8AL

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

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

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

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

and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 186).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland - plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

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

Case Officer Note: The summary of UK Government policy on ancient woodland can be found within the full representation made by the Forestry Commission, which is available on the application webpage.

Please note that the NPPF has subsequently been updated in terms of paragraph numbers since this representation was received. In having regard to Schedule 1 and 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (<https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>), the proposal is not EIA Development and does not require an Environmental Statement. The Council has nevertheless undertaken a screening opinion for avoidance of doubt, and a separate Habitats Regulation Assessment has been undertaken in relation to the effects upon the River Wye Special Area of Conservation (SAC).

4.2 Dwr Cymru Welsh Water – No objections

"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. This application is located in an unsewered area and 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. 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@dwrwymru.com

4.3 **Natural England – No response received (please refer to the comments of the Council's Natural Environment Officer (Ecology))**

Internal Council Consultations

4.4 **Natural Environment Officer (Ecology) – No objections; conditions recommended**

“Habitat Regulations Assessment – River Wye SAC

The site is within Monnow sub-catchment of the River Wye SAC 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 TWO new self-contained residential dwellings with associated new foul water and surface water flows (nutrient pathways) created.*
- *The supplied Surface and Foul Water Drainage Strategy with supporting BS 6297 testing is noted.*
- *No mains sewer connection is available at this location.*
- *The proposal is to utilise a shared private foul water system serving the proposed dwellings comprising of a PTP discharging to a drainage field on land under the applicant's control.*
- *The supplied BS 6297 testing confirms that a drainage field can be achieved at this location.*
- *A ‘Bio Easy Flow 10’ PTP with a certified phosphate standard of 0.8mg/l discharging to drainage field on the applicants land has been proposed - this is considered as providing current Best Available Technology for this type of small residential development within the HRA process.*
- *The agreed shared private foul water system and its future management and maintenance can be secured by condition on any planning permission granted.*
- *It is noted that infiltration testing demonstrates that all additional surface water can be managed through appropriately sized on-site SuDS-infiltration systems.*

With the foul water management system secured as an embedded part of the proposed development (project) it is considered that as there are no remaining adverse effects on the integrity of the River Wye SAC that the HRA appropriate assessment can be considered as being

'screened out' at stage 1 of the process and no formal consultation with Natural England is triggered.

Suggested conditions

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 shared Haba Bio Easy Flow package treatment plant discharging to a drainage field; 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.

Ecology

Helens Wood SWS

The ecological report by HEC (2024) that was submitted is relevant and appropriate. Helens Wood (SWS) east of the proposed site is a sensitive habitat and is to be protected by the initiation of an ecological buffer zone, enhanced with additional habitats and protected from light spill. A comprehensive Construction Environmental Management to cover all potential ecological and wider environmental effects from the proposed construction of is recommended and this should be secured by a condition on any planning permission finally granted.

Ecological Protection and Construction Environmental Management Plan

No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan including details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

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

Informative: A helpful guide to all considerations within a CEMP can be found at https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan

Biodiversity Net Gain

The applicant has confirmed that the proposed plots within the outline planning proposal are for onward sale to self-builders who will each confirm their eligibility when making a RM submission. As a self-build dwelling this specific application is exempt from statutory Biodiversity Net Gain. The self-build exemption must be secured within any future RM submissions - should the dwelling become a commercial build then the statutory BNG requirement will become applicable and appropriate 'discharge' information must be submitted.

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. These are in addition to any mitigation secured in respect of bats or required as part of any species licence issued by Natural England. To secure these enhancements a relevant Condition is suggested:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of the dwellings approved under planning permission, evidence of the suitably placed installation on the approved buildings, or on other land under the applicant’s control, of a minimum total of FOUR bird nesting boxes, TWO bat roosting boxes, ONE insect box, ONE hedgehog home and ONE hibernacula (or similar features), as recommended within the ecological report by HEC (2024), 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.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting 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”.

Case Officer Note: The completed Habitat Regulations Assessment can be found through the application webpage: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243018 Please also note that Helen’s Wood is a Local Wildlife Site (LWS). For confirmation, please see the following link: <https://www.herefordshire.gov.uk/downloads/file/1797/appendix-8-sites-with-environmental-designations> (refer to Appendix 8i – Local Wildlife Sites (LWS))

4.5 Transportation Area Engineer – No objection:

“The Local highways authority has considered the application for Outline planning permission with all matters reserved for the proposed erection of two self-build dwellings and makes the following comments. It is noted that the application is for all matters reserved including access, and as such this will be considered when a reserved matters application is submitted.

The proposed access to the site exits onto the C1263 with visibility splays shown on drawing DRG 2722.BON-03 of 2.4m by 49 m in both directions, these would be acceptable to the LHA.

All other highways details, access construction, parking and turning areas etc will be dealt with at the reserved matters application. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence

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

4.6 Land Drainage Engineer – Qualified comment:

"Please find attached the drainage consultation response for the above site. We are happy for the additional details to be addressed at Approval of Reserved Matters stage. If you have any queries, please let me know.

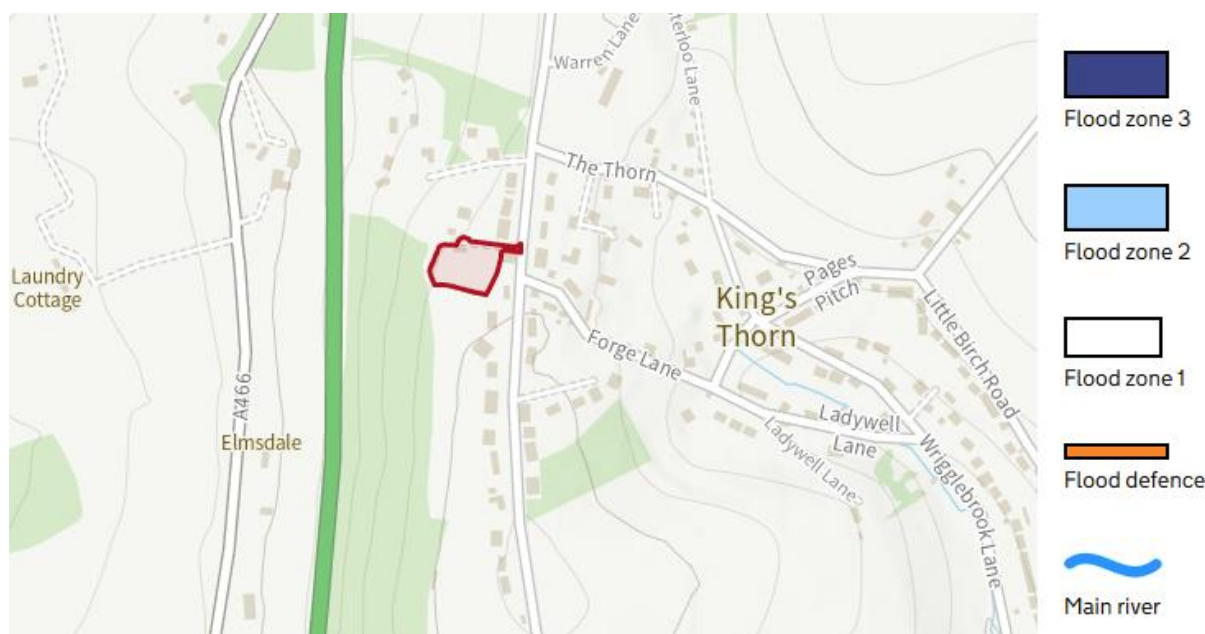
SITE:	Land at Helenswood Farm, Kingsthorpe, Herefordshire HR2 8AL
TYPE:	Outline
DESCRIPTION:	Outline application with all matters reserved for the proposed erection of two self-build dwellings
APPLICATION NO:	243018
GRID REFERENCE:	OS 349769 - 232028
APPLICANT:	Ms M Jones & Mr R Boney
AGENT:	Mr Matt Tompkins

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Outline;
- AMENDED Proposed Illustrative Block and Site Plan 31.1.25 (Ref: 2722.BON-03 Rev A);
- Proposed Illustrative Site Plan with outline of previous building locations 31.1.25 (Ref: 2722.BON-03 Rev A);
- Planning Statement (Ref: JB 24029);
- Drainage Plan (Ref: Rev A).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), February 2025.



Overview of the Proposal

The Applicant proposes the construction of two dwellings. The site covers an area of approx. 0.34ha and is currently greenfield. An ordinary watercourse flows near to the east of the site. The topography of the site slopes down from the southeast to the northwest by approx. 8m.

Flood Risk

Fluvial Flood Risk

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

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

Table 1: Scenarios requiring a FRA

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

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

Surface Water Flood Risk

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

Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations and Sources of Flood Risk

If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

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

Surface Water Drainage

Infiltration testing has been undertaken at the site whereby two trial holes were initially excavated to 1.2mBGL (IFT1) and 0.8mBGL (IFT2). We understand that these holes failed to drain sufficiently within 24 hours to produce an acceptable infiltration rate; this demonstrates poor soakage below 0.8mBGL. Subsequently, a third trial hole (IFT3) was excavated to 0.4mBGL; an acceptable infiltration rate of $7.74 \times 10^{-6} \text{m/s}$ was established. Groundwater was encountered at 2.3mBGL.

We note proposals for a shared shallow infiltration basin located within the private curtilage of Plot 2. All shared drainage infrastructure should be located within shared open space to ensure future access for maintenance purposes. At Approval of Reserved Matters stage, the site layout should be reconsidered to accommodate individual drainage infrastructure in the first instance, or at a minimum, shared infrastructure sited within shared open space.

The proposed infiltration basin location does not correlate with the infiltration trial hole locations; the basin appears to be sited along the western site boundary whereas IFT1, 2 and 3 were excavated in the central site area. The infiltration and percolation test results provided demonstrate that the soakage potential onsite is varied and limited to shallower depths, except from in the north-western site corner (P5 and P6) for reasons detailed below. P1, P2, P3 and P4 appear to be in the approximate location of the proposed infiltration basin; as below, good soakage was observed at 0.6mBGL but tests failed at 0.8mBGL.

At present, the infiltration basin has been sized using the infiltration rate obtained in IFT3 despite this hole not being dug in the proposed basin location. IFT3 was also only 0.4m deep whereas the proposed infiltration basin depth is 0.5m deep. As such, at ARM stage, an additional infiltration test should be completed (in accordance with BRE 365) at a depth between 0.5m-0.7mBGL in the confirmed infiltration basin location to prove viable soakage, and to inform the sizing calculations with a more representative rate.

Furthermore, given that tests within the proposed basin location failed at 0.8mBGL, this feature should be oversized to minimise the risk of exceedance flows. We note that no third parties would likely be affected should any overland flows occur given the presence of a densely vegetated area immediately downgradient of the basin (to the west); this would likely intercept runoff before reaching the A49 given the small development size. However, the Applicant is responsible to ensure no runoff occurs from the site; as such, the advice regarding oversizing the basin should be considered. We await further details at ARM stage.

Should the proposed infiltration basin location change at ARM stage, additional infiltration tests undertaken in accordance with BRE 365 will be required to demonstrate adequate soakage at an appropriate depth to support the feature.

It is stated that a management company will be appointed to manage all shared drainage features.

Foul Water Drainage

Percolation testing has been undertaken at the site whereby six trial pits were excavated to depths of 0.6mBGL (P1 and P2) and 0.8mBGL (P3, P4, P5 and P6). The shallower pits (P1 and P2) found slow but marginally acceptable Vp rates of 84.67s/mm and 101.34s/mm, respectively, nearby to the central area of the western site boundary. The deeper pits (P3 and P4) failed to drain along the central area of the western site boundary; it suggests that there is an impermeable layer of ground at approx. 0.8mBGL.

P5 and P6 were excavated in the northwestern site corner and established much faster acceptable Vp rates of 22s/mm and 29.34s/mm, respectively. It is stated within the report that this is likely due to the presence of imported soils within the location of P5 and P6; this is a levelled area currently used for parking, believed to have been previously infilled (historic) to a depth of 3.1m.

Accordingly, we note proposals for individual package treatment plants located within the respective private plots, discharging to a shared drainage field sited within Plot 2 in the location of P5 and P6. As above, all shared drainage infrastructure should be sited within shared open space to minimise the likelihood of future access issues for maintenance purposes.

The required drainage field area has been calculated using an average Vp rate from P5 and P6 (25.67s/mm) to determine an area of 52m². We note that the drainage field location is downgradient of the proposed dwellings in order to achieve a gravity-fed discharge, as required.

Should the site layout be altered at ARM stage and result in amendments to the proposed foul water drainage infrastructure location, additional percolation testing undertaken in accordance with BS 6297 will be required to determine the viability of the revised layout given the varying soakage observed across the site.

The following must be adhered to for Drainage Fields:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.*
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.*
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.*

Overall Comment

We recommend that all shared drainage infrastructure is sited within shared open space to minimise potential future access issues for maintenance purposes.

Should the site layout be revised at RM stage, resulting in changes to the drainage layout, further infiltration and/or percolation testing will be required in accordance with BRE 365 and BS 6297, respectively, to confirm the soakage viability in the revised drainage feature locations given that the current test results demonstrate varying soakage across the site.

We await the submission of revised surface water drainage system sizing calculations at RM stage, in line with the above advice. The proposed volumes and dimensions should also be clarified”.

4.7 Senior Landscape Officer – Qualified comments:

“In principle, there is scope for development as per the suggested two dwellings of modest scale and of an appearance that would be in keeping with the Wooded Brownstone Hills Landscape setting and Herefordshire’s rural character, and enhances the landscape, green infrastructure, and biodiversity in accordance with the Core Strategy policies LD1, LD2, LD3, and SS6.

The access impacts landscaping onto the main road, and this would need further detail and compensation for loss with respective parties at this intersection.

As this is, in principle, further details regarding design and landscaping would be required. The following outlines suggestions:

A Landscape Assessment is recommended to demonstrate that a rigorous investigation of the site, context, impacts, and mitigation methods to achieve an optimum design proposal for planning consideration. The assessment should address both effects on the landscape as a resource in its own right and effects on views and visual amenity. Refer to the Guidelines for Landscape and Visual Impact Assessment, 2013, Landscape Institute and Institute Environmental Management and Assessment.

As part of the assessment it is recommended to look at the landscape character assessment (2023) that can be found on the Herefordshire Council website. This in depth study of the landscape can provide many sources of landscape related features, patterns, interpretations of cultural and time depth factor that can enrich the development.

Groundworks

For all sloping sites, a topographical survey should be provided, together with existing and proposed levels. Site sections should demonstrate how new development will work with the existing landscape sensitively so that the terrain can appear natural. Any cut-and-fill earthworks should be marked on the plan. Where possible aim to avoid the use of retaining walls and utilise gentle slopes where vegetation will establish and contribute to green infrastructure (usually 1:3 or more). If retaining walls are used, consider a material that fits with the vernacular of the region and the new development.

Tree survey

Provide a topographical survey, arboricultural method statement and relevant documentation as per BS5837:2012 'Trees in relation to design, demolition and construction – recommendations'. This should clearly identify all existing trees and hedges, and then show those that are to be retained and protected and any that are to be removed.

Hard landscape

- Provide hard landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with existing and proposed levels or contours; means of enclosure and retaining structures; boundary treatments; vehicle parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.); proposed and existing functional services above and below ground (e.g. drainage, power, lighting etc.); and water elements
- Provide a written specification of materials (type, sizes and colours).

Soft landscape

- Provide a soft landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with trees and planting areas set out.
- Provide a written specification setting out species, size, quantity, density and cultivation details.

Landscape management

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted for LPA approval. All landscaping shall be managed in accordance with the approved landscape management plan.

Landscape maintenance schedule

A schedule of landscape maintenance for a period shall be submitted for LPA approval. The schedule shall include details of the arrangements for its implementation. All landscaping shall be maintained in accordance with the approved schedule.

Drainage and water management

Provide a proposal that integrates water management (refer to Sustainable Drainage Systems (SuDS) Handbook www.herefordshire.gov.uk for guidance). Consideration could be given to water storage and rain gardens to capture roof water and hard surface runoff. Specify porous pavements to reduce road and hard standing storm water runoff if sub surfaces conditions are appropriate.

Material and colour design

Provide as part of the design and access statement, the external material and colour selection strategy. Utilise the local reference, Malvern Hills Areas of Outstanding Natural Beauty, Guidance on the Selection and Use of Colour.

Lighting

Design of external lighting and lighting spill should take account of the relevant dark skies in and around Herefordshire, as well as the visual effect of its settings."

5. Representations

5.1 Much Dewchurch Parish Council – Objection

1st consultation 10 January 2025

"Much Dewchurch Parish Council have concerns over this application as follows. The paddock has easement rights for sewage soakaway spreaders across the field from the properties above any development on this site would destroy the sewage systems from these properties. Maintenance of the shared access road has not been clarified".

2nd consultation – No response received

5.2 Much Birch Parish Council (adjacent parish) – Objection

1st consultation 13 January 2025

"The Much Birch Parish Council has received information from a local resident, which have identified considerations, and these have been relayed below along with additional concerns from the parish council.

1. Easement – Persons resident at the property known as "Blue Haze" paid a previous proprietor of Helenswood Farm, in the Mid 1980's, for the grant of easement over the land at Helenswood. The easement was to facilitate the use of drainage spreaders running through the centre of this land, and this was all documented and fees paid via a firm of solicitors. It is said to be a legally binding document to this day. The resident's representative understands that no permitted structure or encroachments can be permitted within or over any drainage easement. It would be anticipated that due diligence would be carried out, by the current owner, in regard to the easement situation.

2. Well being – The proposed properties are felt to be overbearing, and out of scale and height in open countryside. It is believed that they will have a detrimental effect on the well being of the residents in the properties situated on the land above the development, and will impede on the privacy and enjoyment of the homes of the current residents.

3. Access – The lane is not believed to be suitable for the additional accesses of the proposed properties nor the volume requirements of construction traffic.

4. Ancient Woodland – The parish council would advise that the comments of the Forestry Commission are given due regard and that consideration is given to the status of the ancient woodland adjacent to the site and consequent impact of house building on an ecological habitat. The Parish Council wish to object to the application as being unsuitable for the proposed location".

2nd consultation 7th March 2025

"The Much Birch Parish Council note the amendments made to the original application but wish to reiterate the objection to the proposals and for the reasons previously submitted"

5.3 The remaining 11 letters of representation comprise 8 interested parties from 7 different properties. They raise the following summarised concerns:

- Development of unacceptable scale and height
- Poor design
- Impact on character and appearance of area, including pattern of development
- Unsuitable access for traffic increasing increased vehicular traffic during construction phase.
- Loss of wildlife and plant life.

- Loss of peace and tranquillity
- Light and noise pollution
- Perceived loss of ancient woodland
- Overbearing, loss of privacy and amenity
- Ineffectiveness of any proposed landscaping
- Issues concerning land ownership/incorrect ownership certificate
- Loss of open space/green space and habitats
- Lack of mains sewer
- Loss of Grade 2 agricultural land
- Requirement for Environmental Impact Assessment (EIA)
- Nutrient Vulnerable Zone concerns
- Lack of sustainability credentials
- Lack of publicity
- Lack of affordable housing
- Over-development of village
- Grant of easements including drainage spreaders which prevents permitted structures or encroachments.
- Covenant on the land.
- Speculative future development.

- 5.4 All representations and further details on this application is viewable on the Council's website through the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243018

6. Officer's Appraisal

Policy context

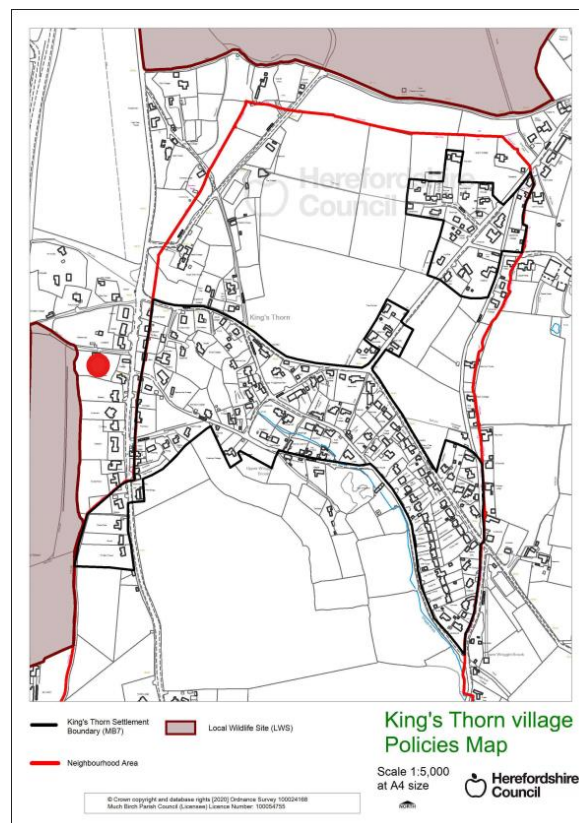
- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) 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 34 of the National Planning Policy Framework also require a review of local plans to be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. The CS was adopted in October 2015 and a decision to review the CS was taken in November 2020.
- 6.4 In reaching a decision, the level of consistency of policies in the local plan with the NPPF will therefore need be taken into account by the Council. From reviewing those policies within the CS applicable to the determination of this application (see 2.1 of this report), these are consistent with the guidance contained within the NPPF. As such, significant weighting should be afforded to these policies. This position has also been crystalised at the Appeal Court prior to the recent revisions to the NPPF coming into effect following the *Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates v Cheshire East BC & SSCLG [2016] EWCA Civ 168* were described by the Court thus *"We must emphasize here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H)"*.

- 6.5 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking on planning applications, Paragraph 11d states that where there are no relevant development plan policies, or the policies which are most important for determining the application are 'out-of-date' (namely, in instances where planning applications involve the provision of housing), granting planning permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (Paragraph 11di); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (Paragraph 11dii).
- 6.6 The local authority is currently failing to provide a five-year Housing Land Supply (the most recently published position is 3.06 years as of January 2025). As such, Paragraph 11d is engaged for decision-making purposes.
- 6.7 Paragraph 12 of the NPPF is also relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The appraisal makes a detailed assessment of the proposal against the policies of the development plan, though the proposal does need to be considered in accordance with Paragraph 11d of the NPPF given the housing land supply position which needs to be balanced against other factors/technical material considerations in the development plan and NPPF. Nevertheless, the development plan does, in some ways, help to identify what is meant by a 'sustainable location', 'well-designed place' and 'making an effective use of land'.

Principle of development

- 6.8 Policy SS1 of the CS states that applications that accord with the policies in the CS will be approved unless material considerations indicate otherwise. CS Policy SS2 states that Hereford is the main focus for new housing development to support its role as the main centre in the county, then the market towns thereafter. Outside Hereford and the market towns, in the rural areas of Herefordshire, 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, as per Policies RA1 and RA2. In the wider rural areas, new housing will be carefully controlled reflecting the need to recognise the intrinsic character and beauty of the countryside in accordance with CS Policy RA3. The broad distribution of new dwellings in the county over the current plan period of the CS is expected to deliver approximately 5,300 new dwellings in the rural settlements, although this is not a ceiling.
- 6.9 Policy RA1 explains that the minimum of 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs) which recognises that different parts of Herefordshire have differing housing needs and requirements. The policy explains that the indicative target is also to be used as a basis for production of NDPs. The growth target figure is set for the HMA as a whole rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will also determine the appropriate scale of development. The CS therefore leaves flexibility for NDPs to identify suitable housing sites through their policies and allocations.
- 6.10 Policy RA2 of the CS states that 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 in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Supporting justification to Policy RA2 recognises that NDPs will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance, the main focus for development will be within or adjacent to the main built up parts of the settlement (see Paragraph 4.8.23 of the CS).

- 6.11 In having regard to the CS, Kingsthorpe is identified as a settlement which will be a main focus for proportionate housing development under Policy RA2 (refer to associated Table 4.14 of the CS under Ross-on-Wye HMA).
- 6.12 As explained in the introduction, the application site is within the parish of Much Dewchurch which does not have a NDP. As there is no NDP, assessing compliance with the spatial policies of the Development Plan in respect of the application site location is determined effectively by assessing the site and its relationship with the main built form of Kingsthorpe. The site is considered to be immediately adjacent to Kingsthorpe being bound by an existing pattern of dwellings to the north-east and east, and by association, their residential gardens. Whilst development along the western side of the C1362 is defined by a more linear pattern of development, in considering the location of the development in the context of CS policies for housing, the site is considered to be immediately adjacent to the main built-form of Kingsthorpe.
- 6.13 It is acknowledged that the majority of the settlement of Kingsthorpe is within the Much Birch Neighbourhood Area, which has a made NDP. The plan below is taken from the Kingsthorpe Village Policies Map within the made Much Birch NDP which demarks the boundary between the two Neighbourhood Areas with a redline (also acting as a parish and ward boundary):



Kingsthorpe Village Policies Map taken from the Much Birch NDP (for context, the application site is denoted by the red circle, the settlement boundary is the black line with the Much Dewchurch Neighbourhood Area to the west of the red line and Much Birch Neighbourhood Area to the east)

- 6.14 As can be identified above, the Neighbourhood Area boundary dissects dwellings on the eastern side of the C1362. Policies in the Much Birch NDP may only operate within the Neighbourhood Area for Much Birch and therefore, the settlement boundary for Kingsthorpe, as defined in the Much Birch NDP, was drawn to effectively exclude part of the settlement which falls within the Much Dewchurch Neighbourhood Area.

- 6.15 On that understanding, to suggest that the site is not within the settlement boundary for Kingsthorpe, as defined in the Much Birch NDP is immaterial to the determination of the application. There is no NDP for Much Dewchurch presently and therefore housing policies for the determination of the application are those contained in the CS only, namely Policy RA2.
- 6.16 Turning to the remaining criterion of Policy RA2 of the CS, it as summarised as follows:
- Development should deliver appropriate designs which respects the size, role and function of the settlement it is within;
 - Brownfield land should be utilised where possible;
 - Development should be high-quality design which is appropriate for and positively contributes to its setting; and
 - Housing types and sizes should be those which are needed in the area.
- 6.17 The proposed description of development is for two dwellinghouses. This represents appropriate growth of the settlement of Kingsthorpe, in a manner which would not unduly undermining the character or function of the settlement or lead to cumulative over-development of the settlement, noting that the indicative housing growth targets for settlements and neighbourhood areas are not a ceiling limit.
- 6.18 Whilst Policy RA2 advises the preferential re-use of brownfield land, this is not a requirement nor does it prevent acceptable development of greenfield land. In this particular case, the site is not brownfield land though the site benefits from the existing barn such that its presence is a material consideration when assessing the visual impact of development.
- 6.19 The proposal is made in outline whereby the design and size of the dwellings are not yet known. Indicative Plans and a Plot Passport Document illustrate how the proposal could respond to local character though assessment of scale, appearance and layout would form part of a approval of reserved matters application.
- 6.20 The proposals are also for 2 no. self-build dwellinghouse whereby the needs of the initial occupant would inherently be delivered in terms of layout and design. Housing sizes would therefore be reflective of need, though again the matters of scale, layout and appearance would form part of any future reserved matters application. Nevertheless, it is recognised that the delivery of self-build dwellinghouses provides a type of development for which there is a current shortfall of 33 plots (Herefordshire Council Self and Custom Build Monitoring Report August 2024 - <https://www.herefordshire.gov.uk/downloads/file/25672/amr-2023-section-6-self-and-custom-build-housing-august-2023>).
- 6.21 The scheme complies with Policy RA2 but whilst the principle of development has been considered, it is important to highlight relevant material considerations for completeness.

Accessibility, traffic and highway safety

- 6.22 Kingsthorpe has well-established public transportation links with multiple daily buses which run between Hereford and Ross-on-Wye. The bus stop is at the junction with The Thorn, less than 0.1 miles from application site to the north-east. The nearest primary school (Much Birch C of E) is 0.7 miles to the south, the same distance to nearest village hall to the east (Little Birch). The nearest GP Surgery (Much Birch, which incidentally has another village hall adjacent to it) is 1.1 miles south-east. The nearest shop is at Wormelow or the southern limits of Hereford.
- 6.23 The site is within reasonable distance of Much Birch which is one of Herefordshire's better served settlements, given the relationship too with the A49, as well as accessing other nearby settlements, the market town of Ross-on-Wye, and Hereford City. The development allows prospective occupants a genuine choice of active travel modes as to how they might travel in accordance with CS Policy SS4, which is consistent with the guidance contained within the NPPF.

- 6.24 In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 5 (Applications for outline planning permission), (3), “*Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated*”. The application ‘red line’ is drawn insofar that access intends to be via the private track and onto the C1263.
- 6.25 Having regard to the lack of objection by the Area Engineer, the existing access already accommodates movements associated with an existing dwellinghouse. The applicant has demonstrated visibility splays of 2.4m x 52.1m visibility in a southerly direction, and 2.4m x 49.0m in a northerly direction measured to the inside edge of the carriageway, in accordance with the guidance for Manual for Streets. The illustrative Site Plan also clearly demonstrates that these splays can be achieved within the highway extent.
- 6.26 It is acknowledged that the proposed development will inevitably give rise to a number of additional vehicle and pedestrian movements onto the local highway network both during the construction phase and once occupied. However, the uplift in such movements, combined with the private nature of the access, is unlikely to affect the continued highway and/or pedestrian safety of the access and that the additional movements could reasonably be accommodated on the local highway network. The illustrative site plan demonstrates that there is more than adequate space for parking and turning within the site to allow vehicles to enter and leave in a forward gear. Any future approval of reserved matters scheme would also provide for secure and covered cycle storage.
- 6.27 The proposals would not lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 116 of the NPPF is not engaged, which is consistent with Policies SS4 and MT1 of the CS.

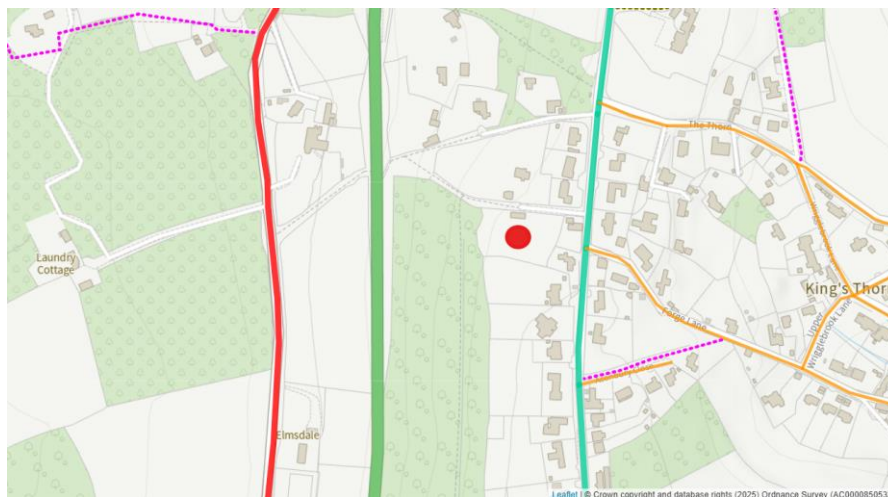
Design, energy efficiency and residential amenity

- 6.28 The NPPF advises that proposals should be of a high-quality design, with Section 12 dedicated to ensuring proposals achieving high-quality design and well-designed places. The CS, at Policy SD1, requires that development design responds to the distinctiveness of the area having particular regard for scale, massing, size, detailed design, layout and material use. It also requires that proposals utilise sustainable construction techniques to minimise the use of non-renewable resources and maximise the use of sustainably sourced materials and to utilise on-site renewable energy generation where possible.
- 6.29 The application proposal is in outline with all matters reserved for future consideration. However, an illustrative site plan and ‘Plot Passport Document’ accompanies the application to provide an indicative impression of what is envisaged and shows that the type of housing to be delivered would likely be two oak framed dwellinghouses of a rural vernacular.
- 6.30 The sustainability credentials is anticipated to achieve elemental U-Values which are better than those specified in Building Regulations, which aim to meet Future Homes Standards. Solar panels are proposed to generate electricity for the site, whilst an Electric Vehicle Charging Point will also be included within proposed garages.
- 6.31 Matters relating to residential amenity would take on further significance at Reserved Matters stage when one could really explore the potential implications in terms of overbearing/loss of privacy or light/overdevelopment etc. Nevertheless, in having regard to the quantum of development proposed, there is clearly ample space to deliver development without undue harm to adjoining amenity.

- 6.32 Accordingly, the application proposal responds to the provisions of CS Policies SS7 and SD1 and the design advice contained within the NPPF.

Landscape and visual effects

- 6.33 Policy SS6 seeks developments which contribute to the county's distinctiveness, its settlement pattern and landscape. Policy LD1 expects a development to be positively influenced by landscape and townscape to ensure that the setting of settlements is preserved. This is consistent with the guidance contained within the NPPF to conserve and enhance the natural environment.
- 6.34 Whilst not in a designated landscape, the settlement pattern of Kingsthorpe is quite varied. To the west of the C1362 however, it is visually characteristic that development is linear, flanking the highway network. Other development throughout Kingsthorpe is similar in terms of addressing minor roads and private roads which criss-cross the village and wider settlement.
- 6.35 A development of two dwellings on this site would be low density comprising larger dwellings served by private accesses set in quite generous site plots. The illustrative site plan demonstrates that the site can accommodate two dwellings in a manner which would not unduly harm the prevailing settlement pattern.
- 6.36 The character of the site itself is a small-scale paddock classified as improved grassland enclosed by mature vegetation on all sides. Nevertheless, the application site relates relatively well to the surrounding village environs, being immediately adjacent to existing dwellinghouses which are clearly representative of the village to the north-east and east.
- 6.37 The proposal will result in a residential use which will clearly assimilate with the established character of the site setting with landscaping details forming part of a future approval of reserved matters application. Nevertheless, the site is of such a scale that regional and national landscape character would not be affected and that any localised harm is negligible. Regard has also been afforded to the comments of the Council's Senior Landscape Officer who views that there is scope the suggested two dwellings albeit of modest scale and of an appearance, that would be in keeping with the Wooded Brownstone Hills Landscape setting and Herefordshire's rural character, and enhances the landscape, green infrastructure, and biodiversity in accordance with CS policies LD1, LD2, LD3, and SS6.
- 6.38 Turning to visual effects, the vegetative boundaries and nearby dwellinghouses largely screens the development from public receptors, namely in particular users of the C1263. Falling ground levels and the topography of this site would mean that the two dwellinghouses will sit lower than their neighbours to the east. Whilst a number of third party representations refer to the recreational benefits of the site, the PRoW map below clearly shows the publically accessible realms of the local public rights of way network:



List of streets

A road		Public footpath	
B road		Public bridleway	
C road		Restricted byway	
Unclassified road		Byway open to all traffic	
Footway			
Cycleway			

PRoW and Highway Network (image taken C/O Herefordshire Council) with application site denoted by red dot

- 6.39 Notwithstanding this, from the adjacent access road, which is a private and not a PRoW, and from nearby residential receptors, the development will appear as an appropriate addition to the landscape, which upholds the character of low-density linear development at this part of the village and an incongruous form of development. Site selection is appropriate and the development should be designed at approval of reserved matters stage to assimilate with its setting, along with sufficient supporting information, as advised by the Council's Senior Landscape Officer. The proposal accords with Policies SS6, LD1 and SD1 of the CS, with is consistent with the relevant paragraphs of the NPPF.

Ecology/Biodiversity

- 6.40 CS Policy LD2 requires the retention and protection of nature conservation sites and habitats and species in accordance with their status. Opportunities for enhancement and restoration should also be taken where practicable. This reflects the advice in the NPPF and particularly paragraphs 192-195 inclusive of the NPPF.
- 6.41 The application is accompanied by an Ecological Appraisal which identifies that the site is of low ecology value. Much interest is more to do with the site boundaries, which includes the hedgerow and trees which might provide bird nesting and herpetological habitat. The Ancient Woodland to the immediate west of the Site is also a Local Wildlife Site and this is buffered by the requisite 15 metres from the boundary of the woodland to avoid any potential root damage, as per PPG.
- 6.42 The Ecological Appraisal has been reviewed by the Council's Ecologist who concurs with its findings in that the proposed development is not considered to affect protected species or their habitat. Enhancement is proposed, but not limited to, as follows:
- A Construction Environmental Management Plan (CEMP) to be produced – which can be secured by planning condition;
 - Ecological Clerk of Works would be carried out with a walkover to ensure badgers have not colonised site pre construction and site to operate under Badgers and Construction RAMs;

- In relation to bats, no external lighting, during construction and post construction of field boundary and internal site sensitive lighting design to be installed replacing current floodlighting;
 - Bat boxes are to be incorporated within the design;
 - Bird boxes are to be incorporated within the design;
 - Hibernacula to be constructed around boundaries along with enhancements for amphibians and insects; and
 - Planting of additional native hedging, trees and ecological buffer zone will increase the biodiversity of the area and protect sensitive external margin.
- 6.43 The report also clearly recognises that Helens Wood (Local Wildlife Site (LWS)) is a sensitive habitat and needs to be protected by the initiation of an ecological buffer zone, enhanced with additional habitats and protected from light spill.
- 6.44 Regard should also be had to the lack of objection raised by the Forestry Commission and their standard advice in terms of consideration upon Ancient Woodland in decision-making, to which Paragraph 193 is particularly relevant within the NPPF. The application does not proposed the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), particularly noting how the red line has been drawn, together with appropriate buffer and mitigation by conditions.
- 6.45 A comprehensive CEMP would cover all potential ecological and wider environmental effects from the proposed construction of is recommended and this should be secured by a pre-condition on any permission granted. On this basis, the scheme complies with CS Policy LD2 and does not lead to engaging Paragraph 193c of the NPPF.
- 6.46 For clarity, mandatory BNG at the otherwise statutorily required amount of 10% is not required in this particular instance. This application is progressed as self-build dwellinghouses under the Selfbuild and Custom Housebuilding Act 2015, in accordance with S1(A1) of that Act. As such, the proposal would benefit under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This does not take away however the requirement to delivery habitat enhancement on site, as has been requested by the Council's ecologist.

Flood Risk and Drainage

- 6.47 The site lies within Flood Zone 1 according to Environment Agency mapping, which has a less than a 1 in 1000-year chance of flooding each year. It represents the land least susceptible to flooding. In principle, the NPPF also prefers that any new development is directed to land in Flood Zone 1. For clarity, the site is less than 1 hectare and it has not been identified as having critical drainage problems by the Environment Agency. There is no requirement for a site specific Flood Risk Assessment in this particular instance.
- 6.48 The submitted Drainage Strategy explains that surface water and foul water would be managed separately. It sets out that foul water would be treated by a shared Haba Easy Flow 10 Package Treatment Plants and discharged to ground via a shared Drainage Field measuring 52m² which is to be located on the west part of the Site, but clearly away from the Ancient Woodland and proposed buffer. In accordance with the hierarchial approach to Policy SD4 of the CS, as there is no mains drainage within 30 metres of the site (noting Dwr Cymru Welsh Waters' comments), the proposed drainage strategy states that the proposals will meet Building Regulations and British Standards.
- 6.49 In relation to surface water, considering SuDS and the specifics of this site, it is favourable to discharge surface water to ground. Therefore, the surface water drainage system will be designed as follows:

- Roof water from both proposed buildings will be discharged via rainwater goods and underground pipework conforming to Building Regulations Part H.
- Roof water from the proposed dwellings will be piped via roof water gullies in order to reduce debris entering the infiltration basin.
- The resulting roof water will be piped to a new shared infiltration basin.
- The new infiltration basin/ will be at least 14.6m wide x 5m long x 0.5m deep with a maximum inlet invert depth of 150mm below ground level (measured from the existing ground level).
- All new driveways and paths will be constructed to be permeable. By doing so, any run-off will be reduced. In addition, these porous surfaces will also reduce run-off pollution.
- A residents management company will be formed to complete the maintenance of all shared drainage features.

- 6.50 The Drainage Strategy proposes that all hardstanding will be permeable. Roof water will be piped to an infiltration basin measuring 3.9m x 5m x 0.4m deep, located on the west part of the site but away from the Ancient Woodland and Ecology buffer.
- 6.51 The Council's Land Drainage Engineer has reviewed the strategy and is content with the more technical details which can reasonably be dealt with through any approval of reserved matters application.
- 6.52 The proposals are designed to be safe and to deal with surface water appropriately as to minimise the effect of flooding, as required by CS Policy SD3 and presents a foul and surface water drainage strategy which meets Policies SD3 and SD4 of the CS, which is consistent with Sections 14 and 15 of the NPPF.

Habitat Regulations Assessment

- 6.53 The site is located within the Monnow sub-catchment of the River Wye Special Area of Conservation (SAC) and the proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the Local Planning Authority. The final HRA 'appropriate assessment' 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.
- 6.54 The proposed development proposes use of best available technology including the proposed shared package treatment plant which will reduce phosphate output at the application site to 0.8mg/l, which is less than most sewage treatment works in the County.
- 6.55 With the foul water management system secured as an embedded part of the proposed development (project) it is considered that as there are no remaining adverse effects on the integrity of the River Wye SAC that the HRA appropriate assessment can be considered as being 'screened out' at stage 1 of the process and no formal consultation with Natural England is triggered. Officers can conclude beyond no reasonable doubt that the proposals do not give rise to likely significant effects on the River Wye SAC.

Other considerations

- 6.56 Many of the third party representations received highlight material planning considerations that typically would form part of any future application for approval of Reserved Matters, such as the scale, appearance and layout of the dwellings. Whilst the applicant has sought to submit a plot passport to give an illustrative perspective of what development may come forward in future, it is not in the remit of a decision-maker to comment on the acceptability of these details at this time.
- 6.57 There is no requirement to secure affordable housing contributions or requirement to undertake a planning obligation on this particular application. Affordable housing contributions, as per Policy H1 of the CS, is only required for all new open market housing proposals on sites of more than 10 dwellinghouses which have a maximum combined gross floor space of more than 1000m² to contribute towards meeting affordable housing needs.
- 6.58 The representations received pertaining to the easements and covenants on the land are civil matters between the relevant interested parties. Along with applicant motives, they are all non-material planning considerations and do not prevent the Local Planning Authority from making a determination of this particular outline planning application.
- 6.59 In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has undertaken the required publicity for this application. This includes the erection of several site notice consultations outside the application site and publication of the application on the Council's website throughout consideration of the application. Given there are no statutory constraints associated with the application site and accordingly there is no requirement to publish this application within the Local Press although given the signing of Certificate D, the applicant has correctly published, in procedural terms, the required ownership certificate in the Local Press.
- 6.60 Having regard to Schedules 1 & 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017(<https://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>), the proposal is not EIA Development and does not require an Environmental Statement. The Council has undertaken a screening opinion for avoidance of any doubt to confirm this.
- 6.61 It is not appropriate to remove householder permitted development rights in this instance.

Planning Balance/Conclusion

- 6.62 The application relates to the provision of housing and the NPPF is clear under Footnote 8 that the statutory development plan policies which are most important for determining the application are 'out-of-date'. As set out under Paragraph 11, the nature of the proposal engages Paragraph 11d and that planning permission should be granted unless conflicting with 11di) or 11dii).
- 6.63 In considering 11d i), the application of policies in this Framework that protect areas or assets of particular importance does not provide a strong reason for refusing the development proposed. Paragraph 11di is therefore not engaged. Turning to 11d ii), a 'tiled balance' is applied insofar that one needs to identify whether the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.64 In reaching this view, the application site lies immediately adjacent to a 'sustainable location', noting this is the only matter for consideration at this stage.

- 6.65 The NPPF has at its heart a presumption in-favour of sustainable development. Sustainable development is considered to consist of three key elements, those being Economic, Social and Environmental objectives. Development proposals that are considered to meet these objectives (when taken as a whole) meet the first test and are considered to be sustainable development, benefiting from the presumption in favour of the development. The three pillars of sustainable development in the planning system are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.66 In this particular instance, the proposal would result in the following positive economic, environmental and social benefits:
- A small contribution towards the Councils' housing land supply position of 2 no. dwellings;
 - Future occupiers having availability of active travel options to access nearby services and facilities, without undue or total reliance on privatised transportation;
 - Future occupiers providing a modest increase in spending in the local economy which can help to boost wider economic activity, supporting local jobs and businesses;
 - Directing residential development to immediately adjacent to a 'sustainable location', as defined within the development plan;
 - Self-build dwellings which would help further diversify the housing market and increase consumer choice;
 - Generation of housing in a local area can support social networks. People living in an area could reasonably upsize or downsize, and growing families can move into larger homes. New housing and regeneration projects can include new amenities which creates opportunities for social interaction and recreation;
 - Construction activity and jobs for possible local tradespersons during the relevant phase;
 - A proposed drainage arrangement that would not undermine the River Wye SAC, with improved water efficiency;
 - New homes can be built sustainably using recycled and low-carbon materials and use construction methods that reduce environmental impacts; easier and cheaper to heat and cool, and more energy efficient, with higher Energy Performance Certificate (EPC) ratings;
 - Property transactions;
 - Habitat and biodiversity enhancement;
 - Improved landscaping;
 - Addressing a slight shortfall in 'self-build' plots across Herefordshire; and
 - Additional funding (in the form of council tax and new homes bonus) for public services.

Weighing against the development proposals is effectively the following:

- The net loss of securing an increased quantum of development of smaller dwellinghouses in securing possibly a more effective use of land, although the application can only be assessed on its own merits.
- 6.67 Having particular regard to key policies for directing development to sustainable locations, the application is not considered to engage 11dii). Outline planning permission should be granted subject to the below conditions.
- 6.68 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (SI 2018 No. 566), any pre-commencement conditions will require the agreement by the applicant C/O agent in writing. Agreement of pre-commencement conditions will take place following resolution by the committee, if members are minded to grant outline planning permission.

RECOMMENDATION

That outline 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. C04 – Approval of reserved matters

Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. Time limit for submission of reserved matters (outline permission)

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Time limit for commencement (outline permission)

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. Development in accordance with the approved plans

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

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Construction Management Plan

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

- **A method for ensuring mud is not deposited onto the Public Highway;**
- **Construction traffic access location;**
- **Parking for site operatives; and**
- **Construction Traffic Management Plan**
- **Siting of site offices / compound / storage area**
- **Tree / Hedgerow protection**

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

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

6. Construction Environmental Management Plan

No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan including details of the person responsible for the implementation of the CEMP – has been supplied to the Local Planning Authority for written approval.

The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

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

7. Restriction on 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 and the National Planning Policy Framework.

8. Details/Samples of External Materials

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Secured Covered Cycle Provision

Prior to the first occupation of each dwellinghouse, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the dwelling to which it relates. 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 SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Scheme of Foul and Surface Water Drainage Disposal

Any reserved matters application(s) relating to the reserved matter of ‘layout’ submitted pursuant to Conditions 1 and 2, shall be accompanied by a detailed scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be managed. The submission shall be based on the indicative Surface and Foul Water Drainage Strategy Revision A dated 11 September 2024 by H&H Drainage and shall, at a minimum, additionally include the following details:

- Demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems;
- Evidence to show why the site layout cannot accommodate individual drainage infrastructure in the first instance, or at a minimum, share drainage infrastructure sited within the shared open space;
- An additional infiltration test to be completed, in accordance with BRE 365, at a depth between 0.5 metres – 0.7 metres BGL in the confirmed infiltration basin location to prove viable soakage, and to inform the sizing calculations with a more representative rate, including oversizing the basin, as required, to include proposed volumes and dimensions to be clarified in relation to the infiltration basin; and
- Should the site layout result in amendments to the indicative foul water drainage infrastructure location, additional percolation testing shall be undertaken in accordance with BS 6297 and results provided to determine the viability of the revised layout given the varying soakage observed across the site.

The approved strategy shall thereafter be completed prior to first occupation of each dwellinghouse and maintained thereafter for the lifetime of the development.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11. Prior to first occupation of the dwellings approved under planning permission, evidence of the suitably placed installation on the approved buildings, or on other land under the applicant's control, of a minimum total of FOUR bird nesting boxes, TWO bat roosting boxes, ONE insect box, ONE hedgehog home and ONE hibernacula (or similar features), as recommended within the ecological report by HEC (2024), shall 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.

- 12. Scheme of refuse storage (residential)**

Prior to the first occupation of each dwellinghouse, a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority.

The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13. Efficient Use of Water**

Prior to the first occupation of each dwellinghouse, 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 (or successor policy) shall be submitted to and approved in writing by the local planning authority.

The approved details shall be implemented and completed prior to first occupation of each dwellinghouse and thereafter maintained for the lifetime of the development.

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

- 14. Self Build requirement (BNG exemption)**

The dwellinghouses hereby permitted shall be constructed as self-build 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 each dwellinghouse 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.

15. 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 shared Haba Bio Easy Flow package treatment plant discharging to a drainage field; 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.

16. 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, LD1-3; and the council's declared Climate Change and Ecological Emergency

17. C59 – No conversion of garages to habitable accommodation

The garage and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. CNS – Non-standard condition

All vehicles associated with the use of both dwellinghouses hereby granted shall solely use an access point off the C1263 only, which shall be maintained for the lifetime of the development.

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

INFORMATIVES:

1. IP2 - Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant outline 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. INS – Nonstandard informative

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

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

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. 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.

5. I35 – Highways Design Guide and Specification

The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

6. **INS – Non-standard informative**

Any applicant who intends to submit any approval of reserved matters application should clearly review statutory and internal technical consultee responses to understand the level of details expected to accompany any application.

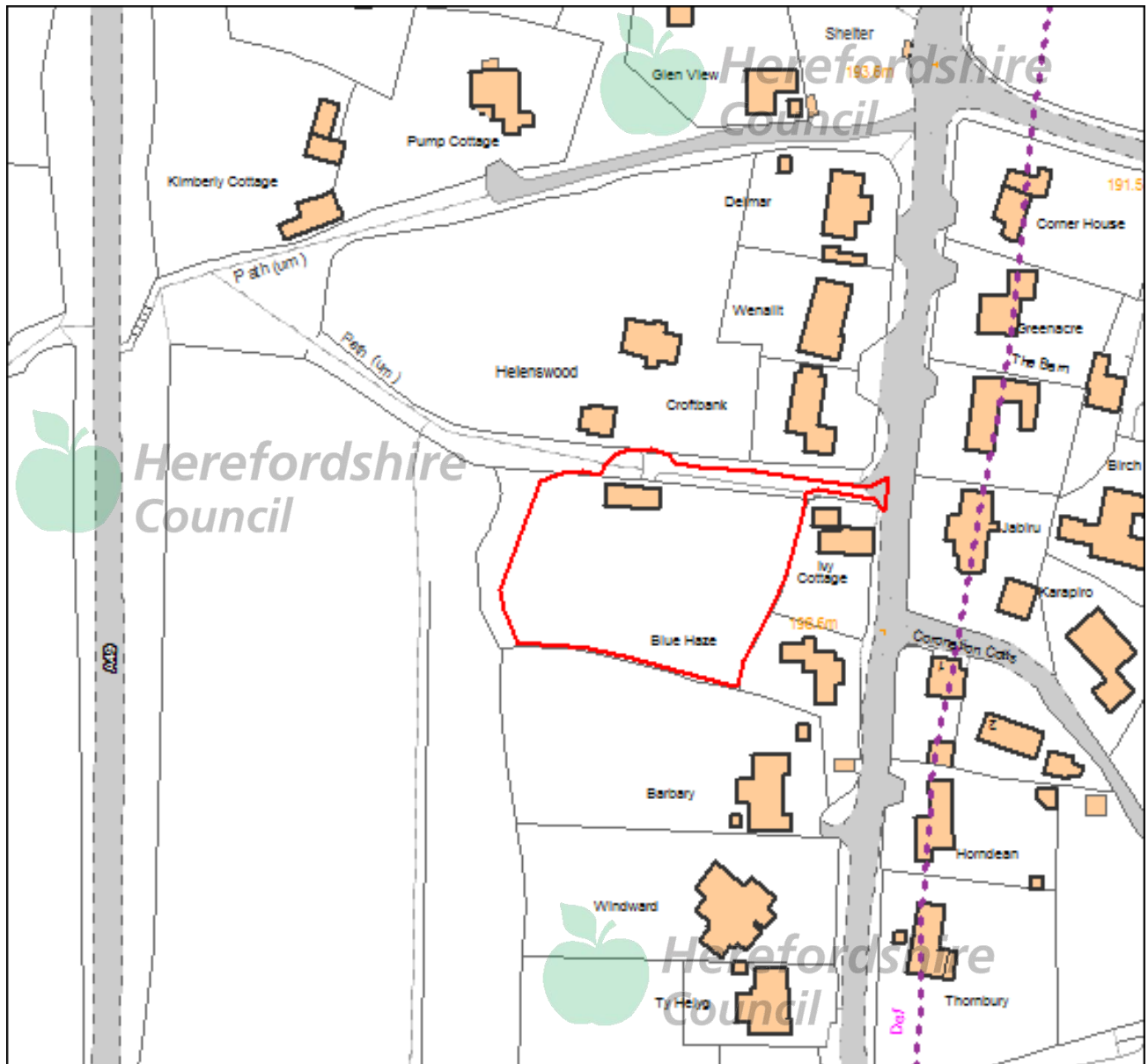
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 243018

SITE ADDRESS : LAND AT HELENSWOOD FARM, KINGSTHORNE, HEREFORDSHIRE, HR2 8AL

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