

DELEGATED DECISION REPORT

APPLICATION NUMBER

213222

Land to the Rear of Zaytoon, Swainshill, Herefordshire, HR4 7QB

CASE OFFICER: Mr David Gosset

DATE OF SITE VISIT:24th Nov 2021.....

Relevant Development Plan Policies:

Herefordshire Local Plan – Core Strategy Policies:

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

Stretton Sugwas Neighbourhood Development Plan

- Policy SS1 Protecting Sensitive Landscapes
- Policy SS2 Landscape Design Principles
- Policy SS3 Managing Flood Risk
- Policy SS4 Building Design Principles and Protecting Heritage
- Policy SS6 Settlement Boundaries
- Policy SS7 Criteria for New Housing Sites

National Planning Policy Framework 2021 (NPPF)

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

Relevant Site History: P143685/O - Site for erection of 2 no. dwellings with garages. (For 4, 6, 7, 8, 9 & 11 see 210767) - Approved with Conditions - 07-Jul-2016

P163334/RM - Reserved Matters following ref 143685/O - proposed landscaping – Approved - 28-Nov-2016

P173421/F - Demolish existing building and erection of two dwellings and garages. – Refused - 29-Jan-2018

P170466/F - Proposed dwelling, detached garage and revisions to car park – Approved subject to conditions - 04-Jul-2017

P184263/F - Propose to demolish existing building and erection of 2 dwellings and garages - 03-Apr-2019 - Approved with Conditions

P204026/F - Variation of condition 2 of planning permission 184263 (Propose to demolish existing building and erection of 2 dwellings and garages). To allow changes to design and removing detached garaging to front. (For DOC 3 4 and 8 see 211402) – Approved with conditions – 13-Mar-2021

P211384/F - Proposed new dwelling - Approved with Conditions - 09-Dec-2021

P213493/F - Proposed Outline application with all matters, save access, reserved for the erection of 9 dwellings – Currently under consideration

P220631/F - Temporary use of alternative access to serve 2 Old Kites Nest, erection of new fence and amendments to approved landscaping under approval 204026 for a period up to 5 years - Currently under consideration

CONSULTATION SUMMARY

	Consulted	No Response	No Objection	General Comment	Object
Parish Council	X			X	
Local Highways Authority	X		X		
Ecologist	X			X	
Minerals and Waste	X		X		
Drainage	X		X		
Defence Estate	X		X		
Forestry Commission	X			X	
Natural England	X		X		
Welsh Water	X		X		
Site Notice	X	X			
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site lies on land associated with the former Zaytoon restaurant to the West of Hereford city in an area known as Sugwas Pool or Swainshill. It lies on the north side of the A438 c. 4 miles west of Hereford City.

The former restaurant has been demolished and housing developed in its place. Across the various permissions on the site 5 dwellings have been built fronting the A438 under application references 184263, 204026 (s73) & 211384. The application site lies to the rear of these dwellings with access gained between Plots 4 and 5.

The application seeks full planning permission for the erection of a single detached dwelling with garage and associated works. It was submitted contemporaneously with a further outline application for 9 dwellings which is understood to be in order to aid the deployment of labour across the developers portfolio as it was expected that a single dwelling would go through the planning process quicker than the larger scheme.

The site is to be accessed from the existing site entrance onto the A438.

A recent site inspection revealed that work had started on this development.

Consultation Responses and Representations:

Local Highways Authority *The local highway authority (LHA) has no objection to the application subject to the provision of 2m x 2m vision splays at the sides of all driveways/parking spaces (nothing over 0.6m in height should be planted within the splays).*

Whilst the application as submitted is acceptable to the LHA for a single additional dwelling subject to the provision of 2m x 2m pedestrian vision splays it should be noted that the access will have to be upgraded in order to serve the additional 9 dwellings. The proposed single dwelling along with the previously consented dwellings was/is considered to be commensurate with the likely traffic generation of the site's previous use as a restaurant, therefore the existing access was/is considered acceptable. However, any further development beyond the single dwelling forming this application would be considered to be an intensification and therefore the access would have to be upgraded.

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>

Ecologist

From an ecology perspective and as regards the required Habitat Regulations Assessment this application must be considered as in-combination and cumulative effects fully considered; with the outline application for a further NINE dwellings on the same development site (and shown on supplied plans) currently also under consideration by this LPA under application ref 213493. All the following comments are based on the total of TEN residential dwellings proposed at this location/parcel of land.

It is noted that the same Preliminary Ecological Appraisal and other documents submitted are shared between the two relevant applications.

The same conditions will need to apply to both applications and a fully holistic and integrated approach to both Biodiversity Net Gain enhancements and 'green infrastructure' /landscaping works to ensure full wildlife and habitat connectivity across the development site.

The site is within the River Wye SAC catchment; and this proposed "in combination" 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.

Notes and comments in respect of HRA process:

As regards the required Habitat Regulations Assessment this application must be considered as in-combination and cumulative effects fully considered; with the outline application for a further NINE dwellings on the same development site (and shown on supplied plans) currently also under consideration by this LPA under application ref 213493. The following comments are based on the total of TEN residential dwellings proposed at this location/parcel of land.

- *There is a mains sewer network within 10x30m of the development site and all foul water created must discharge to this local mains sewer unless shown to be scientifically/legally unachievable. (compliance with national regulations-guidance and Core Strategy policy SD4-LD2)*
- *As identified in the supplied application information, drainage report by Infrastruct CS Ltd dated September 2021 and as confirmed by comments received from Welsh Water (DCWW) a connection to the local mains sewer system can be achieved and it has been confirmed that this local mains sewer system has capacity to manage the additional cumulative foul water flows created from the TEN new dwellings.*
- *At this location the mains sewer system is managed through DCWW's Eign (Hereford) Wastewater Treatment Works.*
- *The Eign WwTW discharges in to the 'lower middle' section of the River Wye SAC.*
- *Natural England have not currently advised this LPA that this catchment area is failing its conservation status.*
- *The additional nutrient loading can be accommodated with the allowance currently secured through the Core Strategy.*
- *The supplied drainage report provides sufficient detail to confirm that a suitably designed and sized Sustainable Drainage Scheme can be constructed on the site to manage all additional cumulative surface water flows created by the proposed developments.*
- *The foul and surface water management systems considered under this HRA process can be secured for implementation on both the relevant applications being considered 'in-combination'.*
- *Potential effects from the site preparation (partially 'brownfield') and construction. These also have potential wider ecological effects and are also considered under other ecology comments made.*
- *A relevant Construction Environmental management Plan (CEMP) can be secured by condition on both applications considered under HRA.*

Subject to a no objection response by Natural England to the HRA appropriate assessment completed by the LPA there are no identified unmitigated effects from this development on the River Wye SAC

Habitat Regulations (River Wye SAC) – Foul Water (Applications 213222 and 213493)

Unless otherwise approved in writing by the planning authority, all foul water shall discharge through connection to the existing local 'Hereford-Eign' mains sewer system managed by Welsh Water

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

Habitat Regulations (River Wye SAC) – Surface Water (Applications 213222 and 213493)

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through appropriate Sustainable Drainage Systems. The completed surface water scheme shall hereafter be managed by a legally responsible management company.

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

Other ecology comments.

The supplied Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated 13th February 2022 is noted and refers.

In respect of Great Crested Newts the report clearly recommends that “due to presence of a nearby population...a Precautionary Method of Working will be implemented” – this GCN Working Method Statement does not appear to have been submitted for approval and so should be secured as pre-commencement condition on any planning permissions granted.

Given the current nature and use of the site and storage of waste materials and location close to sensitive habitats and watercourses/hydrological connections to the River Wye SAC a comprehensive Construction Environmental Management Plan to ensure all potential effects on habitats and species from site preparation, through all of the construction processes at the site are considered and mitigation detailed and implemented is appropriate and should be secured through a pre-commencement condition. This CEMP should include the fully detailed GCN Working Method Statement. Helpful guidance on all aspects to be considered under a CEMP can be found at https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan The CEMP should fully consider all ‘cumulative effects’ of the two developments

proposed at this site.

Construction Environmental Management Plan (Applications 213222 and 213493)

Before any work; including demolition or site clearance begins or equipment and materials are moved on to site, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including a specified 'responsible person' and a fully detailed Great Crested Newt Working Method Statement, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species 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.

As identified in policies and frameworks all developments should clearly demonstrate how they will ensure a biodiversity net gain is achieved. As the two applications on the site are contiguous the proposed landscaping/habitat enhancements and Biodiversity Net Gain inclusions should be considered on a holistic basis and the condition should secure this approach..

Habitat and Biodiversity Enhancement – Landscape and Ecological Enhancement Plan (Applications 213222 and 213493)

Prior to any construction works commencing except general site clearance a fully detailed and specified Biodiversity Net Gain, Landscape & Ecological Management Plan shall be supplied to the local planning authority and approved in writing. The approved plan and management scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the planning authority.

To ensure habitat and biodiversity mitigation, compensation and enhancement: 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) Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3. And the council's declared Climate Change and Ecological Emergency

Supporting informative: The LEMP should include full details, specifications and species lists for all proposed planting and seeding – locally characteristic native species or directly associated cultivars should be utilised UK grown and sourced from UK nurseries/growers . Biodiversity Net Gain enhancements should include significant, suitably located bat boxes/bricks/other roosting features, bird nesting boxes (including provision for House Sparrow), hedgehog homes and hedgehog highways through all

solid boundary features.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species known to be present in the area. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested:

Protected Species and Lighting (Dark Skies) (Applications 213222 and 213493)

At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

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

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

Drainage

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that this site is not at risk of surface water flooding. There is an area of the potential larger development site which does have an area at risk of surface water flooding which would need to be considered.

Other Considerations and Sources of Flood Risk

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

Review of the EA's Groundwater map indicates that the site is located within Zone 3 of a designated Source Protection Zone, refer to <https://www.gov.uk/government/collections/groundwater-protection> for further guidance. Development and surface water drainage will need to be carefully located and designed to avoid pollution risks to controlled waters and address potential environmental impact associated with low flows. For example SuDS on the sites may need to provide multiple levels of treatment. To recharge to the

aquifer and support water levels in the receiving brooks.

Surface Water Drainage

The Applicant has provided details on a 4.5m x 6m x 0.9m deep soakaway which is proposed to discharge surface water runoff to ground. It has been adequately sized using an infiltration rate of 5.79x10⁻⁵m/s and for a 1 in 100 year plus 40% climate change event.

We note that the soakaway for the dwelling is proposed to be located very close to the proposed access road. A permeable pavement has been proposed for the access road. If the soakaway is located close to the permeable pavement, then there is a risk that the permeable pavement may settle due to traffic loading.

We refer the Applicant to Section 8.12 of the Herefordshire Council SuDS Handbook, which provides guidance on the offset requirements for soakaways on adoptable highways. SuDS guidance suggests that soakaways should be located a minimum of 5m from building foundations, most national house builders interpret this as a need to separate soakaways from highways as well. This criteria should be considered within a potential future planning application for the larger site and the Applicant should ensure that the site is not spatially constrained with regards to being able to locate soakaways.

The Applicant should also consider how the proposed paving slabs which are to be used for the proposed patio and pathway areas will drain.

As the access road for the possible larger development site will potentially serve up to 10 dwellings, the Applicant should consider whether it will be offered for adoption.

Our own interpretation of the ground profile suggests that the access road is graded into the site. The water draining from the length of road abutting the A438 will need to drain into a series of soakaways within the site.

Whilst the planning authority would hold no objection to the use of permeable paving at the site entrance, we are aware that larger developments are exposed to higher traffic flows and we tend to promote the use of bituminous roads for site entrances

Foul Water Drainage

As there is a foul public sewer within 30m of the proposed development site, a connection onto the foul public sewer must be sought. The Applicant should contact the relevant public sewerage authority, and if this is not feasible, the Applicant should demonstrate that alternative proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- *Relocation of proposed soakaway in accordance with SuDS guidance;*
- *A detailed foul water drainage strategy.*

Natural England	<i>No objection to Appropriate Assessment completed by Herefordshire Council</i>
MOD	<p><i>This application relates to a proposed dwelling, garage & associated works.</i></p> <p><i>The application site falls within the Statutory Safeguarding Technical Zone surrounding Credenhill.</i></p> <p><i>I can confirm that the MOD has no statutory safeguarding objections regarding this application.</i></p>
Forestry Commission	<p><i>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:</i></p> <ul style="list-style-type: none"> • <i>Details of Government Policy relating to ancient woodland</i> • <i>Information on the importance and designation of ancient woodland</i> <p><i>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).</i></p> <p><i>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 175).</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Subsequent Enforcement Notices, may be materially relevant to planning</i></p>

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.

Parish Council	<i>The Parish Council appreciate that the developer recognises the importance of the layby as a bus pull-in and will reinstate the facility.</i>
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Regarding any proposed development in the paddock, we have 3 principal concerns:-

- 1) Highway Safety. The provision of up to 15 houses on the combined site will generate a significant increase in traffic on to the A438 adjacent to what is well-recorded as a dangerous bend. This will clearly increase the risk of accidents.*
- 2) No back-building has previously taken place in this area of Swainshill. The Parish Council fear that this could set a precedent for further back-building. If this were to be the case the present nature of the area as ribbon development would be totally changed and a major settlement would develop.*
- 3) The development would intrude into the ecological continuity of the woodland and pasture land surrounding the Brockhall Quarry Nature Reserve owned by the Duchy of Cornwall.*

It should be noted that the proposed housing increase of 18% for Stretton Sugwas has already been exceeded by a wide margin

Site Notice *No comments received*

Local Member	<i>Cllr Matthews confirmed by email that he does not intend to redirect this application. He has made a redirection request for the outline application which has not yet been considered</i>
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Constraints:

Road No A438
Protected Species
Surface Water
SSSI Impact Zone
NE Priority Habitat Adj
SP Zone 3
Minerals & Waste
MOD Grey Zone
River Wye SAC catchment area

Appraisal:

Policy context and principle of development

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

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

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

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Stretton Sugwas Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.

The application site is located within the settlement boundary that has been defined for the settlement of Swainshill pursuant to policy SS6 within the NDP. This aligns with the identification of Swainshill as a settlement that will be the main focus of proportionate housing development within the terms of Policy RA2 of the CS. In this regard, the broad principle of new residential development on the application site is supported. At a strategic level however CS policy RA2 is clear that proposals will be supported where the resulting development would be appropriate to its context and make a positive contribution to the surrounding environment and its landscape setting. Other criteria may be relevant in terms of scale, appearance and layout but in relation to the current outline application the impact of residential development upon the character of the settlement is a key consideration when establishing the principle of development.

Sustainability

CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

These aims are reflected by policies SS4 and MT1 of the CS, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations.

With regards to the sustainability of the location of the application site: the site lies within an identified settlement that is to be the main focus of residential development in the plan period; the application site benefits from a bus stop at the front of the site with regular services into Hereford city; and the site, although some distance from Hereford, benefits from a pavement all the way into the city. It is accepted therefore that the application site does comply with the locational aspects of CS SS4 and SS7 as well as providing a genuine choice of travel modes.

Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.

In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

Landscape and visual impact

Within the scope of the NDP policy SS1 identifies area of the Parish that are sensitive to landscape impacts. The current application site lies beyond the areas identified as sensitive, which starts from medium-low sensitivity, therefore suggesting the site has a low sensitivity to landscape changes. Nevertheless the proposal has the potential to adversely impact the wider landscape as well as the character of the settlement.

The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.

Policy SS7 of the NDP seeks to further control criteria for new housing sites with the following:

1. *The proposed development should be well related to the settlement within which it is located and respect the size of that settlement in terms of its scale and character;*
2. *Proposed development should not be of such a scale that it would:*
 - a. *significantly harm neighbours’ enjoyment of their homes and gardens including through loss of light or traffic movements;*
 - b. *have a detrimental effect on the openness of the countryside;*
 - c. *lead to an unacceptably adverse impact on existing local services and infrastructure;*
 - d. *have such an adverse impact on the local road network that it cannot be satisfactorily mitigated;*
3. *Proposals should demonstrate physical and visual linkages to the existing built-up area;*
4. *Any proposals for new development along the A438 at Swainshill should include a road traffic noise risk assessment taking into account the design and layout of the site;*
5. *The layout and design of housing schemes should provide for the development to be broken into small groups of houses or clusters of up to five properties wherever possible;*
6. *Development should seek to reduce the environmental impacts of traffic and transport with layouts to facilitate walking and cycling;*
7. *Schemes should include a mix of housing types and sizes to meet local needs as identified in an up-to-date local housing needs assessment.*

This area of Swainshill, separate to the main settlement which is centred around the A438 and C1197, has a notably linear character with dwellings built fronting the passing public highway. Some depth is introduced around the Sugwas Pool access wet of the site but even here dwellings are wayside in nature. The application site clearly takes the form of backland development which is a departure from this established linear form. The proposed site selection therefore does not appear to have been positively influenced by the surrounding settlement pattern.

Despite the above the application site is well related in both visual and physical links to the settlement as required under Policy SS7 (3).

The local topography drops away to the north from the A438 and as such the application site occupied ground lower than the level of the road and lower than the approved dwelling on Plot 5 adjacent to the site. The impact of that is that development on application site will be largely screened by the dwellings built across the front of the site. This screening would limit the visual impact on the character of the settlement. I am also mindful of the development of the NDP and associated settlement boundary for Swainshill. I note that previous versions of the NDP, specifically when undergoing Reg 16 consultation, included two options for the settlement boundary at Swainshill. Option 1 excluding the application site and the full extent of neighbouring sites and Option 2 including the application site and the extended curtilages of a number of dwellings fronting the A438. It appears as though Option 2 was favoured and has therefore been adopted into the development plan.

Development of the site will create backland development and a secondary layer of residential development contrary to the established linear form of the settlement. While some greater depth is seen within the residential development along Sugwas Pool Access to the west dwellings remains wayside to either the A438 or Sugwas Pool Access which is not the case here. The proposal is therefore partly in conflict with CS LD1 and NDP SS7. However considering: the lower elevation of the site and the resultant limitation of the visual impact; its exclusion from additional landscape sensitivity assessment under SS1; and the clear indication by the Parish that development on the site is acceptable through the adoption of the NDP settlement boundary I am satisfied that the harm is sufficiently outweighed by the provision of housing on the site. This matter will feed into the overall planning balance below.

Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.

The proposed dwelling is of a similar design and the same material specification as the dwellings built across the rest of the site facing onto the public highway. With the use of facing brickwork, natural slate roof covering and oak porch the use of materials is appropriate for the context and positively contributes to the sense of place. The proposed form, massing and

fenestration of the dwelling is well considered for the sites context and mirrors the recently completed dwellings across the site.

The proposed window arrangement reduces the number of windows in the side elevations with the only first floor windows serving a bathroom/en-suite. A condition will ensure these are obscurely glazed in perpetuity to protect the privacy of the adjacent dwelling and garden. The proposed dwelling is sufficiently separated from the boundary and is on land lower than the previously developed dwellings such that it is not considered to lead to a sense of overbearing or shading that would lead to a material diminishment of the residential amenity values of the adjacent dwelling. To the rear of this site (west) is 1 Sugwas Pool Cottage. The dwelling is proposed beyond the rear boundary of the curtilage of this dwelling and therefore views between the two dwellings are limited and at an acute angle. Accordingly it will not lead to unacceptable impact upon the residential amenity of these residents.

The site layout adequately provides for the amenity of the proposed residents with a rear garden separated from the busy road and sufficiently separate from the garden of Plot 5 above.

Access and Parking

The application proposes to utilise the existing approved access serving the frontage plots and would pass between 2 of the dwellings approved pursuant to 170466 and 184263. The Area Engineer is content that the access arrangements are suitable for this proposal and the parking and garaging is appropriate for a 4 bed dwelling.

Notwithstanding concerns about the nature of the access and the speed of traffic in the locality, there is no technical objection to the proposal which is considered to accord with CS policy MT1.

There are further upgrades required in connection with the larger outline application for 9 dwellings but the existing access is considered appropriate for this proposal.

Biodiversity/Protected Species

The Ecologist has provided detailed comments and recommended a number of conditions for both this application and the larger site referring to the need to provide a holistic approach to this.

I am aware that the site generally has little if any biodiversity value by reason of its use for storage in connection with the development of the site and also that this site is located away from the more sensitive habitat associated with the Brockhall Quarry. In this regard, taking this proposal in isolation I consider the requested Landscape and Ecology Management Plan a little onerous. Furthermore the application includes what I consider to be appropriate biodiversity enhancements for a single dwelling - a bat box, nest box, insect house and hedgehog home

The CEMP and need for further assessment in relation to the potential impacts on the local Great Crested Newt population are clear recommendations of the supporting documents and are reasonable in order to secure compliance with CS policy LD2.

Drainage/HRA

From a technical perspective the drainage consultant has recommended a condition to secure a foul drainage strategy and relocation of a soakaway but in my view, neither is required in this instance. The application is based upon the provision of a mains connection (a requirement that is secured through HRA related conditions) and the precise location of the soakaway in a matter that would be dealt with through the Building Regulations.

From a water quality perspective, the Habitat Regulations Assessment has been carried out and supported by Natural England and the conditional mitigation to address the likely significant effects associated with drainage discharges will be included.

Accordingly I find the application compliant with CS policies SD3, SD4 and LD2.

Other Matters

The application includes an appropriate commitment to renewable energy specifying solar panels and installation of ASHP. As referred to above an EV charge point will be secured by way of a condition but otherwise that proposal accords with CS policies SS7 and SD1.

Conclusion and Planning Balance

In recognition of the comments from the Parish Council, the tension associated with the development of this backland site is recognised but equally I consider it difficult to reconcile the inclusion of this and the wider site within the settlement boundary defined by the NDP. This appears to have been a conscious decision and there is realistically therefore difficulty in objection to the principle and also there is no other way that the wider site might be laid out. The impact is mitigated in a visual sense by the presence of the roadside development and the lower level of the land to the rear and in this regard the harm is limited and outweighed by the modest benefits associated with the provision of a further family home upon the site.

The other technical matters have been addressed to secure policy compliance and as such my recommendation is for approval of this single dwelling.

RECOMMENDATION: PERMIT ☒ REFUSE ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

C07

Unless otherwise approved in writing by the planning authority, all foul water shall discharge through connection to the existing local 'Hereford-Eign' mains sewer system managed by Welsh Water

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

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through appropriate Sustainable Drainage Systems.

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

Prior to any further construction work associated with this permission a Construction Environmental Management Plan (CEMP) including a specified 'responsible person' and a fully detailed Great Crested Newt Working Method Statement, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species 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.

C68 Obscure glazing to first floor side windows

CAI

CB2

CE3

CE6

CK7

Informatives

IP1
I33



Signed: Dated:13 June 2022.....

TEAM LEADER'S COMMENTS:**DECISION:****PERMIT**☒**REFUSE**☐

Signed:  Dated: 15/6/22

Is any redaction required before publication? **No**