

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 June 2023
TITLE OF REPORT:	221604 - PROPOSED ERECTION OF A DETACHED DWELLINGHOUSE AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221604&search-term=221604
Reason Application submitted to Committee – Redirection	

Date Received: 16 May 2022
Expiry Date: 10 November 2022

Ward: Wormside

Grid Ref: 348327,231174

Local Member: Cllr Richard Thomas

1. Site Description and Proposal

- 1.1 The application site is located within Much Dewchurch Parish, to the south east of Church View, which comprises a collection of semi-detached dwellings. It lies to the north east of the B4348 which runs through Much Dewchurch. The application site fronts the road, forming its south western boundary and is bounded to the west by the residential curtilage of No 6 Church View. The eastern boundary follows irregular form being informed by the adjacent flood zone.
- 1.2 The application is made in full for the construction of a detached three bedroom dwelling with access off the B4348. The dwelling proposed would be a two storey property constructed of weathered red bricks to the elevations under a brown tiled roof. The principle elevation has been amended to utilise simple architectural features in keeping with the neighbouring dwellings at Church View, with projecting gable to the rear providing open plan dining area at ground floor and master bedroom at first floor.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (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

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

- 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
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

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

2.2 **National Planning Policy Framework (NPPF)**

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

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 taken and 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.

3. **Planning History**

- 3.1 P191968/PIP - Application for permission in principle for a residential development of up to 4 dwelling houses - 04-Sep-2019 – Refused
- 3.2 P193747/O - Outline application for a residential development of up to 4 dwellinghouses (all matters reserved). – 01-Oct-2020 – Refused (Appeal Dismissed)

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water – No objection**

We note the applicant is proposing to discharge surface water into sustainable drainage systems (SuDS). We support the use of SuDS for the disposal of surface water.

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

Condition

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

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

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

4.2 PADHI – No objection

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.3 National Grid – No objection

Regarding planning application 221604 at site location Land to the North of the B4348, Much Dewchurch, Herefordshire, HR2 8DQ, there are no National Grid assets affected in this area.

4.4 Historic England – No comment

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

Internal Council Consultations

4.5 Highways (Area Engineer) – Further information requested

Please provide engineering details of how the site will connect to the adopted highway.

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 **Landscape Officer – Further information requested**

I note the previous application and appeal decision on this site (Herefordshire Council ref 193747) in relation to flooding and note that no Landscape Officer consultation formed part of that process.

In relation to the current application for a single dwelling, there is a risk that it will look 'stuck on' and isolated from the adjacent well-formed crescent of existing dwellings. The elevations provided do not seem to reflect the scale or design of the adjacent dwellings, as it appears larger, detached, with more windows and more 'features'. The proposed roof is a completely different colour and material. A streetscene drawing, including the road level and drop down into the site, would help to demonstrate the relationship between the existing and proposed built forms.

A gap is to be created in the existing hedgerow for the new vehicle access, although no visibility splays are shown to clarify whether further removal would be necessary, which if necessary, would have a negative impact on green infrastructure. No mitigation planting proposals have been provided.

It is a shame that the applicant wishes to address landscaping, biodiversity and boundary treatments separately at a later date, as in this prominent roadside and edge of village location, these features will be vital as to whether the new dwelling integrates appropriately with its surroundings. The use of timbered panel fences, for example, would not be supported due to their suburban character.

I request that the applicant give further consideration to demonstrating how the character of the landscape and village of Much Dewchurch has positively influenced the design and scale of the proposed dwelling, to ensure protection and enhancement of the setting of the village. I also encourage the submission of a hard and soft landscape scheme (addressing biodiversity enhancements and boundary treatments) at this stage to ensure that the dwelling could also integrate with the surrounding countryside. For example, consideration could be given to planting hedgerow and trees within the blue line, if a low post and wire fence followed the red line.

This is requested in accordance with Core Strategy Policy LD1, particularly bullet points 1 and 3 and LD3 on green infrastructure.

Landscape Officer Further Comments

I appreciate the applicant's changes, particularly including hedgerow boundaries and roof colour.

Overall, however, I maintain that this site for a single dwelling would not fit well with the streetscape and would not integrate well with the settlement pattern. The existing arc of housing to the west boundary is well defined and this proposal would cut into the green gap on the end. There is no street frontage on the southern side to form a gateway into the village. The existing housing at Church View to the south east is some distance away and separate to the village core.

4.7 **Ecology – No objection**

A Habitat Regulation Assessment process was completed on a previous application at this site – 193747 which resulted in a "no objection" response from Natural England ref 310641 dated 10 March 2020. Natural England have not subsequently advised the LPA of any significant changes in the conservation status of the River Wye SAC. The only potentially significant change from this previous application/HRA is a reduction in the number of dwellings proposed – Four reduced to One. This reduction in dwelling numbers would only serve to lower any potential effects previously considered and confirmed as having no adverse effect on the integrity of the River Wye SAC – consequently there is no trigger for an updated HRA processes and the previous HRA and Natural England response remain valid and are formally adopted in support of this current application.

A condition to secure the agreed mains sewer connection and management of surface water through a SuDS is requested on any planning permission now granted.

Nature Conservation (River Wye SAC) – Foul Drainage Strategy

Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through connection to the local mains sewer network managed through the Much Dewchurch Wastewater Treatment Works.

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.

Nature Conservation (River Wye SAC) – Surface Water

Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System.

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 previous applications involved development close to Worm Brook and an ecological buffer zone was required. This is not the case with this current application for a single dwelling directly adjoining and following the line of existing roadside dwellings at this location.

The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Badgers, Great Crested Newts, , Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a minimum total of TWO bat roosting features (eg boxes or specific 'bat bricks') and TWO bird nesting boxes (mixed types) and ONE Hedgehog home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure 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, including nocturnal protected species present in the wider locality. 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 Dark Skies

At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches 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.

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.

4.8 **Historic Building Officer – No objection**

I called out to this site on Wednesday 8th September and in my opinion no heritage assets will be affected by the proposals and therefore there is no heritage objection.

4.9 **Land Drainage – No objection**

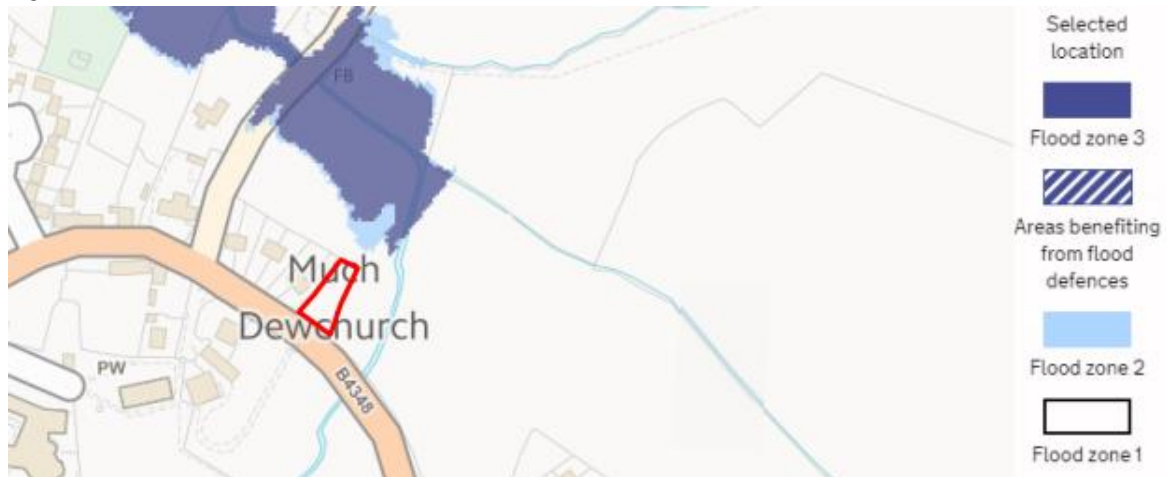
This response is in regard to flood risk and drainage aspects. In previous pre-application responses, for a larger site area and more dwellings proposed (193747), we have raised significant concerns regarding the potential risk of flooding from fluvial and other sources, and the opportunities for the sustainable management of surface water runoff. We highlighted that these risks could influence the design (or even viability) of the proposed development and potentially increase flood risk elsewhere. Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Site Location Plan (Rev: PL01B);
- Proposed Block Plan (Rev: PL03E);
- Flood Risk Assessment (Rev: 02).

Overview of the Proposal

The Applicant proposes the construction of a 3-bed detached dwelling on a 570m² agricultural field site. A tributary of Worm Brook flows approx. 40m from the site boundary. Ground levels across the site fall slightly to the east.

Site Location Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), September 2022



Flood risk

The Environment Agency Surface Water (Fluvial) Flood Map provides an indication of the worst case (i.e., Flood Zone 2) flood extents of the Worm Brook and its tributaries. This mapping projects that flood waters could encroach upon the north-eastern boundary of the site, however the majority of the site is not within the floodplain.

Although the site is wholly within fluvial Flood Zone 1, as part of a previous planning application (193747), the Applicant has undertaken flood modelling to reflect the actual fluvial risk attributable to the Worm Brook and the tributary.

The modelling indicates that the majority of the site remains outside of the floodplain for a 1 in 100 year plus 49% climate change event, with flooding only projected to occur along the site's eastern boundary. No development is proposed in the area where flooding is projected to occur.

Ground levels across the majority of the site are above those projected in the design flood event for a 1 in 100 year plus 37% climate change event (99.43m AOD).

Despite the low fluvial flood risk, it is proposed that Finished Floor Levels of the proposed dwelling will be set a minimum of 600mm above the 100 year plus 37% climate change allowance flood levels for the site at 100.03m AOD. This is welcomed by Land Drainage.

Surface water drainage

Although the Applicant suggests that infiltration is unlikely to be a viable solution for surface water disposal due to the underlying clay soils with impeded drainage, no infiltration test results have been presented to confirm this.

On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

The Applicant has presented a surface water drainage strategy comprising an attenuation tank, suitable for a 1 in 100 year plus 40% climate change event, with an offsite restricted discharge of 1l/s to the Worm Brook tributary to the east, should infiltration to ground not be viable.

No information has been provided as to the size of orifice proposed to be used. The risk of blockage with an orifice less than 72mm is high. The size of the proposed geo-cellular attenuation

tank (10mx7m) appears to be large for the size of dwelling proposed. We assume that the surface water discharge pipe to the watercourse is to be laid within the Applicants ownership boundary, however confirmation will be required as to the ownership of this pipe when the plot is sold to a third party in the future. The discharge pipe also runs across the middle of an agricultural field which could be at risk of becoming a relic in the future and damaged.

Foul water drainage

The Applicant proposed that the foul water drainage is to be connected to the public foul water drainage network. As part of the FRA, the applicant has shown the location of the connection to be to the north of the site boundary. We assume that a gravity connection can be made. We agree with this in principle, subject to confirmation from Welsh Water that a connection can be facilitated.

Overall Comment

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

- Results of infiltration testing undertaken in accordance with BRE Digest 365 methodology; and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative detailed drainage strategy must be submitted to the Council for review and approval;
- If, following infiltration testing, offsite discharge is still proposed, confirmation of the orifice size and discharge pipe ownership;
- Confirmation that discharge to the public sewerage system has been agreed with Welsh Water;
- Finished Floor Levels are to be set no lower than 100.03mAOD.

5. Representations

5.1 Much Dewchurch Parish Council

Much Dewchurch Parish Council object to this application.

The site is a natural swale and within the catchment area of the River Wye which is part of the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Planning has previously been refused for this site on two separate occasions (App. 191968 and App. 193747) and also dismissed at Appeal (App/W1850/W/21/3266535).

A recent flood survey identified that the majority of the field is at risk of flooding (as does substantial photographic evidence). It is not clear whether the flood mapping took in to consideration that a nearby new development of ten houses will have all its storm water piped into Worm Brook behind the church yard which will further exacerbate the flooding. Although the proposed dwelling is situated on the edge of the recently identified flood plain, the site is markedly lower than the main road and would have to be considerably raised to comply with access gradient regulations. The building up of this site would further push the flood water to sites already subject to severe flooding which include the Grade II listed Old Vicarage, Lowe Lane, productive agricultural farm land and the Welsh Water Sewage Station. At times of severe flooding of this land the Welsh Water Sewage Station has experienced hydraulic overload with sewage coming up through man holes close to the proposed site and brook.

Where development of land will cause increased flooding to nearby homes and businesses is in direct contradiction to the requirements of policies SD3 of the Herefordshire Local Plan Core Strategy and the principles set out within Chapter 14, particularly Paragraphs 155 and 163, of the National Planning Policy Framework.

Much Dewchurch Parish Council request that this planning application is refused.

5.2 Much Dewchurch Parish Council – Further Comments

Much Dewchurch Parish Council strongly object to this application and reiterate all the comments previously made on this application and the previous application for 4 houses. Any building on, or interference with, this natural swale will exacerbate a severe flood problem on this land and nearby properties and businesses, particularly the Grade II listed Old Vicarage and adjacent, productive, arable farmland.

In addition to our previous comments it has been noted that the plans need updating to include the latest flood plan, they are not showing the full extent of the flood plain.

5.3 To date a total of 6 objections have been received. The comments are summarised below:

- Proposed dwelling is still in an area that floods regularly
- Location plan suggests that the distance from the boundary of No.6 and the brook is approx. 50m and frontage of new dwelling is 20m – appears incorrect and the dwelling may be sited closer to the brook than what is suggested
- Previous refusal on the site is relevant to this application
- Limited visibility in both directions due to sharp bend and existing properties are in a small dip which raises concerns for access
- Though the supporting documents show narrow margin for flooding it is not clear whether the new nearby development of 10 houses is taken into account and discharges storm water to Worm Brook
- Changes in site levels may push floor water onto areas that already experience severe flooding
- Site is within River Wye SAC catchment and previous appeal stated that it was not possible to rule out likely significant effects on the site from foul and surface water disposal

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221604&search-term=221604

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

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

6. Officer's Appraisal

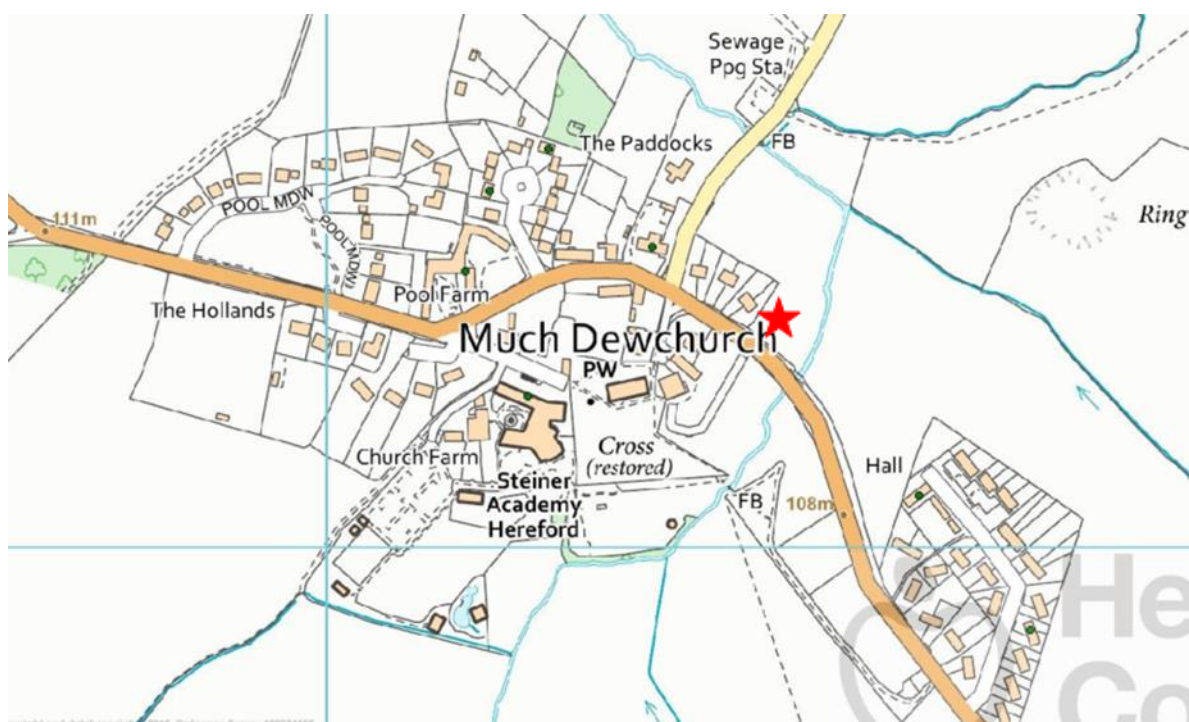
Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Much Dewchurch Neighbourhood Area, which has not begun drafting a Neighbourhood Development Plan and so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2019 is a significant material consideration, but does not hold the statutory presumption of a development plan.
- 6.3 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.

Principle of Development

- 6.4 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Much Dewchurch is a settlement so defined by figure 4.14.
- 6.5 As set out in the preamble to Policy RA2, at paragraph 4.8.23, until such time as either the NDP or the Rural Areas Sites Allocation DPD defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement. In light of this, the site is indicated on the plan below by the red star:



- 6.6 The settlement of Much Dewchurch is generally characterised by wayside development running along the roadside as well as small estates accessed off the B4348. The dwellings adjacent to the site to the north west are comprised of semi-detached properties which are accessed directly off the B4348, though setback they have a relationship with the road set out in linear form. The application site is immediately adjacent to these dwellings, though lying at the edge of the settlement and therefore not a part of the main built up form, it is considered to lie adjacent to the main built form of the settlement and would form a natural extension to it.

- 6.7 The degree to which the site is considered to be sustainable is derived, in part, from the access to alternative modes of transport, beyond that of a private motor vehicle and the ability of future residents to access services without an undue reliance upon the private motor vehicle. There is a pedestrian footpath along the northern side of the B4348, which the application site will benefit from and provides access into the village. The village provides some basic services, including a public house, private school and church. There is a single bus stop in the village that provides limited services South to Monmouth and North to Hereford which provides a wider range of public transport connections including rail.
- 6.8 In considering the policy requirements relating to the delivery of housing, the application site is adjacent to the main-built up part of the settlement in accordance with CS policy RA2. The principle of residential development is therefore considered acceptable when taking into account the relative sustainability of the location with access to a range of services on foot or by public transport.

Design, Landscape and Visual Impact

- 6.9 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape have positively influenced the nature and site selection of the proposal.
- 6.10 The application site lies adjacent to an established row of residential dwellings on the edge of the settlement, as such the dwelling would read as an additional unit. The site fronts onto the B4348 and so maintained a connection with it. The depth of the application site matches the adjacent residential dwellings plot depth which limits the incursion north into the open countryside and maintains similar plot width though is informed by the adjacent flood zone.
- 6.11 The Landscape Officer requested further consideration to the details of the materials, colours and hard and soft landscaping to ensure the dwelling assimilates into the streetscape, raising concern that the dwelling would read as 'stuck on' to the adjacent semi-detached dwellings and isolated given its different design approach. The scheme has been amended in response to maintain features of adjacent dwellings and edge of settlement character, including change of roof colour from grey to brown tile, simplified principle elevation utilising contextual features such as entrance canopy porch, in-keeping fenestration and removal of dormer windows. The Landscape Officer lends support for these changes, including the use of hedgerow boundary treatments and graveled parking area, however concern was maintained that the single dwelling would not integrate with the existing arc of housing to the west. It is your Officer's view, that the proposal, though somewhat at odds with the immediately adjacent residential layout, would not be unduly out of keeping with the wider settlement character given the existing variety of orientation and layout. Furthermore, it should be noted that the earlier refused application for upto 4 houses (and the subsequent appeal) was not refused on the grounds of its impact upon the character of the locality and this is a material factor in the assessment of harm. Overall, the site maintains a positive relationship with the road and the dwelling itself is set back in line with the adjacent residential units with the amended scheme taking reference from Church View and mirroring the architectural details of the principle elevations.
- 6.12 The site does not lie within a designated landscape and is a well contained site adjacent to existing residential development. The proposal is informed by the surround built form and landscape in terms of the proposed residential use and the depth and positioning of the application site, contained by existing vegetative features and development. As such it is considered that the proposal adheres to the requirements of CS LD1.

Amenity

- 6.13 Policy SD1 of the Core Strategy states that 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.
- 6.14 The proposed development includes sufficient private amenity space for proposed residents by way of a rear garden. Given the orientation of the building in relation to the neighbouring dwellings, it is not considered to have an adverse impact upon residential amenity in terms of overbearing. There are no windows proposed to the west elevation to alleviate concerns for direct overlooking. Given the lack of neighbouring dwellings to the north, east and south, with sufficient distance between any other nearby properties, the proposed dwelling is not considered to give rise to unacceptable impacts upon residential amenity.

Heritage Impact

- 6.15 There are a number of Grade II Listed heritage assets on the Eastern side of the village of Much Dewchurch, these are as follows: The Old Toll Cottage, Black Swan Public House, Stone House, Church of St David, Churchyard Cross, The Old Vicarage, Lychgate, Thomas Monument, a Water Pump and a Telephone Kiosk.
- 6.16 Policy LD4 states that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape. The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance.
- 6.17 Special regard has to be given to the desirability of preserving and enhancing historic assets and their setting. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The application site is well separated from all of the above heritage assets and the Historic Building Officer has raised no objection to the scheme.

- 6.18 The group of Grade II Listed heritage assets surrounding the Church of St David (including Church of St David itself, the Churchyard Cross, The Old Vicarage, Lychgate and Thomas Monument) are all over 70m from the application site with the B4348 further separating the site from these assets. There is mature vegetation along the southern side of the carriageway that removes any direct visual connection to these assets from the application site.
- 6.19 The three Grade II Listed assets that lie on the Southern side of the B4348 in the centre of Much Dewchurch (Stone House, a Water Pump and a Telephone Kiosk) are all some distance, West from the application site at 90m, 96m and 56m respectively. There is no visual connection between the application site and these heritage assets.
- 6.20 The Old Toll Cottage and Black Swan Public House, located to the North of the B4348 are approximately 68m and 80m, respectively, North, North West of the application site. The Old Toll Cottage is visible from the South Western site boundary of the application site but the Black Swan is entirely screened by intervening buildings (No 1 and 2 Church View and the Old Toll Cottage). Given the significant distance and the surrounding built form the proposal is not considered to affect the character or setting of these listed heritage assets.

- 6.21 The proposal is therefore not considered to have any effect upon the character or setting of the historic environment and as such no conflict with CS LD4 is identified and the statutory duty imposed by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discharged.

Flooding and Drainage

- 6.22 A review of the recent planning history of the site makes clear that this represents the main concern regarding the development. Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.23 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. It is recognised that the site lies proximate to both Flood Zone 2 and 3, located to the North of the application site. Furthermore there are surface water flood hazards noted on the Environment Agency mapping, associated with Worm Brook. As part of the previous application on the site, flood modelling to reflect the actual fluvial risk attributed to the Worm Brook indicated that the majority of the site remains outside of the floodplain for a 1 in 100 year plus 49% climate change event. Flooding is only projected to occur along the site's eastern boundary where no built development is proposed. Additionally, ground levels across the majority of the site are above those projected in the design flood event for a 1 in 100 year plus 37% climate change event. This is further supported by a suggested condition to secure finished floor levels to be set a minimum of 600 mm above this ensure allowance flood levels for the site at 100.03mAOD. This application, unlike the previously refused application, is supported by a Flood Risk Assessment, and in this regard the level of technical information is materially different from past assessments and furthermore a less significant form of development is now proposed compared to the 4 dwellings previously under consideration. It is considered the level of risk has been appropriately assessed and the Land Drainage consultant welcomes the mitigation measures and raises no objection to the scheme with regards to flood risk.
- 6.24 The proposal has been supported with a surface water drainage strategy comprising an attenuation tank suitable for a 1 in 100 year plus 40% climate change event, with an offsite restricted discharge of 1l/s to the Worm Brook tributary to the east, should infiltration to ground not be viable. The supporting documentation suggests that infiltration is unlikely to be a viable solution for surface water drainage, however no infiltration test results have been provided. As such, the Land Drainage consultants have recommended a condition is included to secure the information in order to inform most suitable surface water strategy going forward.
- 6.25 In terms of foul water drainage, the proposal intends to connect to the public foul water drainage network to the north of the site. Welsh Water have reviewed the application and raised no objection, with advisory comment referencing the requirement connection approval directly with themselves and is secured via condition.

Habitat Regulation Assessment

- 6.26 The application site lies in an area of the county that drains to the River Monnow, the Welsh Water treatment works serving Much Dewchurch discharges to Worm Brock which connects to the River Monnow. Though the Habitat Regulation Assessment process is not automatically triggered, under previous application on the site (193747), the Council's Ecologist took a precautionary approach and completed the Appropriate Assessment. This resulted in a "no objection" response from Natural England and the LPA have not subsequently been advised that the conservation status of the River Wye SAC is failing. Additionally, this application has a reduction in number of dwellings proposed from four to one and this would only serve to lower any potential effects previously considered. As such, it is concluded that there is no need for an updated HRA process.

Ecology and Biodiversity

- 6.27 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged. This is directly supported by policy LD3 which ensures development proposals protect, manage and plan for the preservation of existing and delivery of new green infrastructure. This is achieved by identifying green corridors and linkages, provision of on-site infrastructure and integration into the wider network.
- 6.28 The application has been reviewed by the Council's Ecologist who confirms that subject to appropriate conditions there is no objection raised to the proposal and the applicant is reminded of their own legal duty of care afforded under Wildlife & Countryside Act. The previous comments on the site required an ecological buffer zone to the eastern site boundary to protect Worm Brook, however this is not the case under this application given the reduced number of dwellings following the line of existing dwellings. A condition is included to secure biodiversity net-gain enhancements and control over external lighting that may illuminate local habitats. These ensure compliance of any future scheme under the reserved matters application with policies LD2 and LD3 of the CS.

Highways and Transport

- 6.29 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach as it seeks to promote active travel and development without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.30 The Area Engineer has reviewed the proposal requesting details of how the site will connect to the adopted highway. The topographical survey shows a ditch falling towards Worm Brook, however the access point would not extend over this and it is therefore considered acceptable to condition details of access construction with any permission. Recommended conditions include details of construction, surfacing, gradient, drainage arrangements, cycle storage and electric vehicle charging points. It is noted that public representations received referred to the access and visibility at this point, as such amended block plan was submitted showing 43 metres visibility splay in each direction which is considered acceptable in the context of the road network and Herefordshire Highways Design Guide. The site plan shows sufficient space for parking and turning within the site so to exit in a forward gear.

Conclusion

- 6.31 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 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. At this time the Development Plan comprises the CS. As set out in the foregoing paragraphs the development proposed is considered to accord with the CS. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2 and no other conflict has been identified.
- 6.32 The representations received generally focused on the potential for flooding on the application site. However, the Land Drainage Consultant is satisfied that the Flood Risk Assessment and appropriate details to be secured by condition would be able to adequately avoid or mitigate any on site and downstream effects.
- 6.33 The concerns raised by the Landscape Officer and the degree of localised visual harm are acknowledged, however as above the proposal generally takes reference from the adjacent development so as to not be overtly out of character. It is also necessary to be cognisant of the fact that a previously refused scheme for 4 dwellings on the site was not advanced on the basis of landscape effects.
- 6.34 No other technical objection has been received from Highways, Ecology and Welsh Water.
- 6.35 In bringing all of the above together it is considered that the proposed development accords with the Development Plan and it is therefore recommended that planning permission be granted subject to the below conditions.

RECOMMENDATION

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

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans**
- 3. Restriction of hours during construction**
- 4. Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through connection to the local mains sewer network managed through the Much Dewchurch Wastewater Treatment Works.**

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.

- 5. Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System.**

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.

6. **Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a minimum total of TWO bat roosting features (eg boxes or specific 'bat bricks') and TWO bird nesting boxes (mixed types) and ONE Hedgehog home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure 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.

7. **At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches 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.**

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.

8. **The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

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.

9. **Prior to the first occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.**

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.

10. **Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of [1/2/3] cars which shall be properly consolidated, surfaced and drained in accordance with details to be**

submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

11. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the 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 development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to occupation, written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

13. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and National Planning Policy Framework.

15. Prior to commencement of development hereby approved, results of infiltration testing undertaken in accordance with BRE Digest 365 methodology; and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels; shall be submitted to and approved in writing by the local planning authority. If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative detailed

drainage strategy must be submitted to the Council for review and approval in writing.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. Pursuant to condition 15, if following infiltration testing offsite discharge is proposed as the most viable option, confirmation of the orifice size and discharge pipe ownership shall be submitted to the local planning authority for approval in writing prior to commencement of development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Prior to commencement of development hereby approved, proposed finished floor levels shall be submitted to the local planning authority for approval in writing and shall be set no lower than 100.03mAOD. The development shall be carried out in accordance with the approved details.

Reason: To protect the development from flooding impact and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP2
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Badgers, Great Crested Newts, , Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
3. 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.
4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum

of 4 weeks notification will be required (or 3 months if a road closure is involved).

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

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

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

6. 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.

It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

7. 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'.
8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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

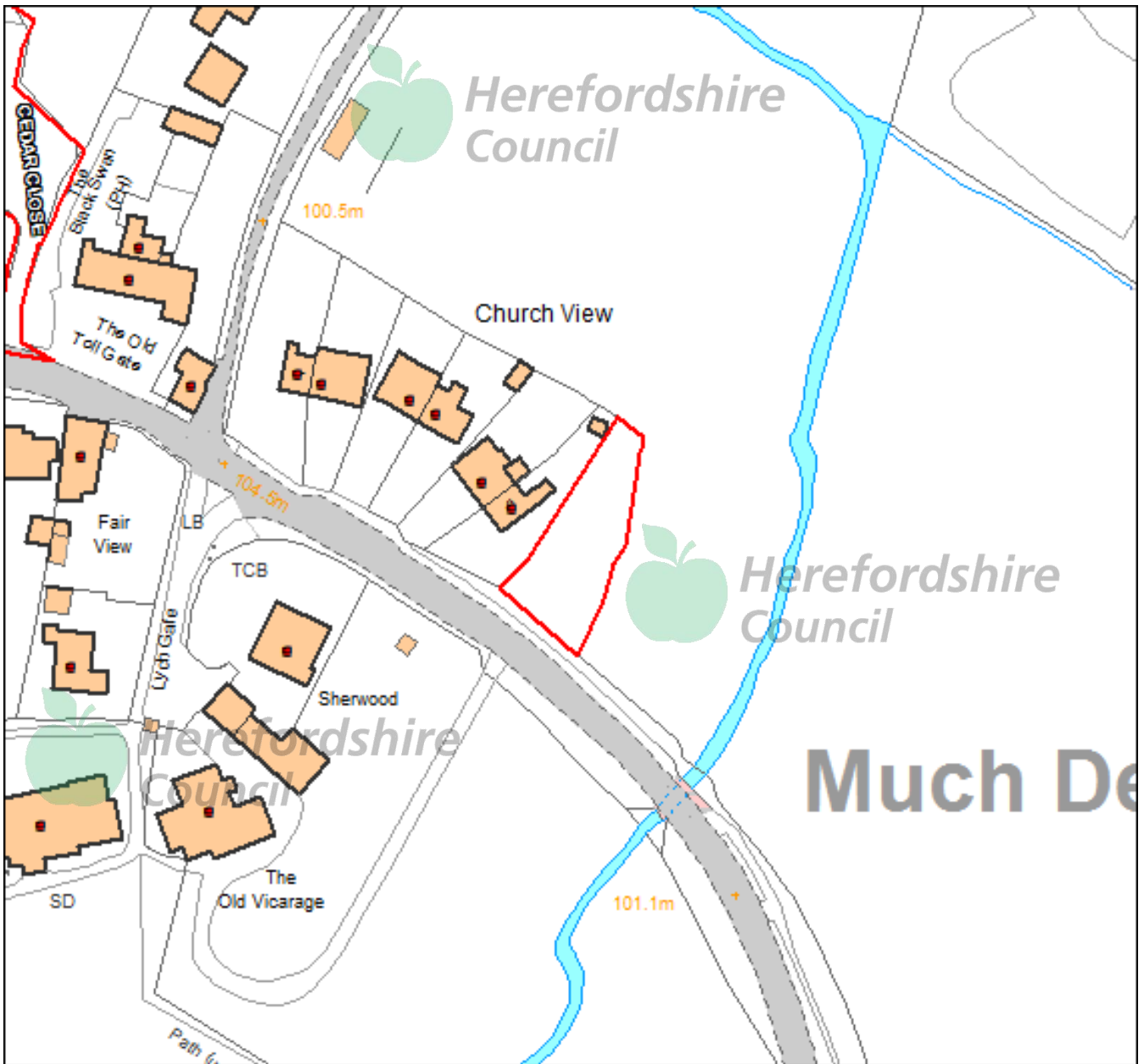
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 221604

SITE ADDRESS : LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760