

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 April 2017</b>
<b>TITLE OF REPORT:</b>	<b>163364 - SITE FOR 3 DETACHED DWELLINGS WITH GARAGES AND ACCESS AT LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD</b>  <b>For: Mrs Croke per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163364&amp;search=163364">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163364&amp;search=163364</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 20 October 2016**

**Ward: Birch**

**Grid Ref: 350044,231861**

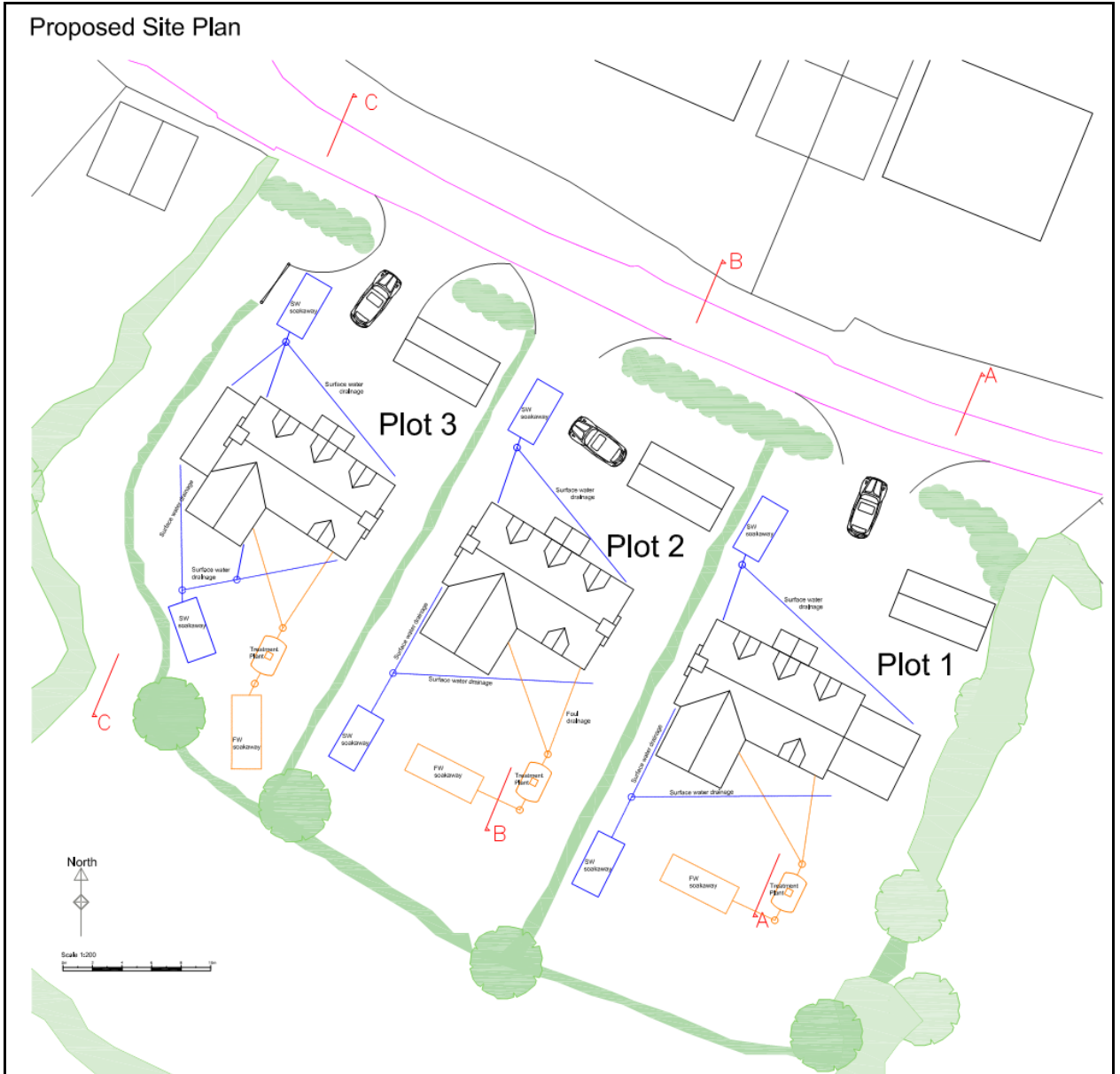
**Expiry Date: 15 December 2016**

**Local Member: Councillor DG Harlow**

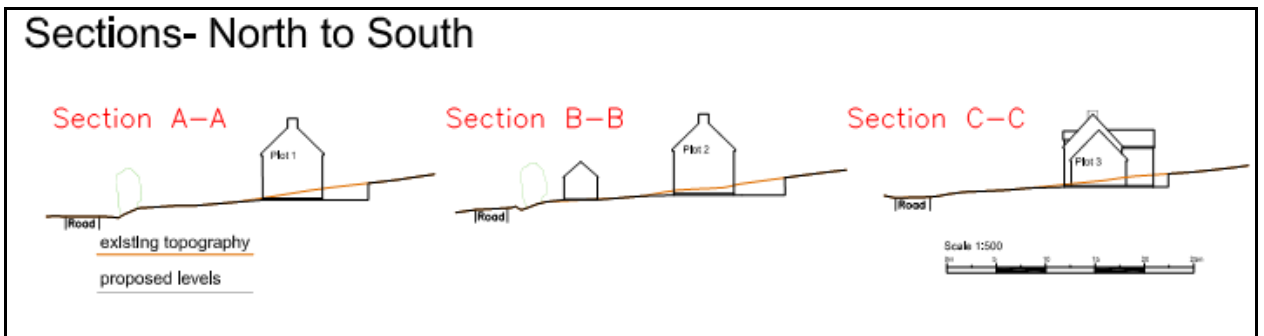
## **1. Site Description and Proposal**

- 1.1 The application site is an open agricultural field at the southern extent of the village of Kingsthorne, c.400 metres to the east of the A49 and some 6.5km to the south of Hereford. The site is bounded by Ladywell Cottage to the west, Cuckoo Cottage to the east and Ladywell Lane to the north. Dwellings set in a wayside settlement pattern about the northern flank of Ladywell Lane. The wider site setting is characterised by an undulating topography traversed by narrow, warren like lanes off which well spaced dwellings are accessed. Buildings are of a varying age, size and design giving rise to a disparate local vernacular.
- 1.2 The site rises exponentially away from Ladywell Lane in a southerly direction away from the road and towards the open countryside beyond. The site benefits from a native species hedgerow to the roadside boundary punctured at either end for two field accesses. On all other sides, the site benefits from dense vegetative boundaries. There is a permissive right of way to the western edge of the site.
- 1.3 The application seeks outline planning permission for the three dwellings. The detailed matter of access is also proposed for determination at this stage with the remaining matters of appearance, landscaping, layout and scale reserved for future consideration. An indicative layout, street-scene and sections through the site accompany the application submission and are shown overleaf. The scheme shows three well spaced dwellings of a dormer cottage design set back from the road on an engineered plateau c. 1.5 metres above the road level.

*Indicative layout*

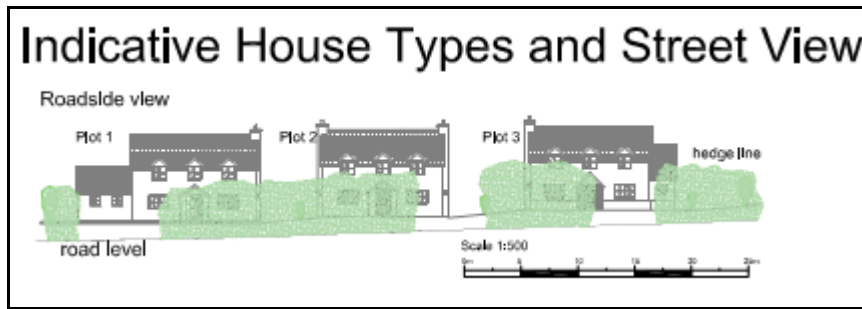


*Indicative sections*



Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

## Indicative street scene



## 2. Policy context

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

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

This requirement is repeated through the National Planning Policy Framework ('NPPF').

2.2 The Herefordshire Local Plan ('HLP') is the adopted development plan and comprises the Core Strategy and supplementary documents, including Neighbourhood Development Plans ('NDPs'). The NPPF is the most pertinent other material policy consideration.

2.3 A range of Core Strategy policies are relevant to this proposal as identified below.:

2.4 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

### Development Plan policies relevant to the principle of development

2.5 Strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 also confirms that proposals that accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent test to that laid out at NPPF paragraph 14 for scenarios where relevant policies are out-of-date. It states that permission will be granted unless material considerations indicate otherwise – taking into account whether “any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

2.6 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”

- 2.7 Failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4. For the avoidance of doubt, the Council cannot presently demonstrate a five-year supply of deliverable housing sites as discussed at paragraph 2.21 of this report.
- 2.8 Policy RA1 explains the role of the 221 rural settlements within the spatial strategy hierarchy across which 5,300 homes should be provided over the plan period. It divides the County into seven Housing Market Areas (HMAs) which are considered to have differing residential needs; Hereford, Golden Valley, Bromyard, Ross-on-Wye, Leominster, Kington and Ledbury. The table attached to Core Strategy Policy RA1 confirms the percentile indicative growth target (compared to a 2011 baseline) for rural settlements within each of the seven rural HMAs.
- 2.9 The application site is within the Ross-on-Wye HMA. The table attached to CS Policy RA1 confirms the indicative growth target for rural settlements within the Ross-on-Wye HMA as 14% (compared to a 2011 baseline). At a local level, the site is within Much Birch Parish which is also a Neighbourhood Area as defined under the Neighbourhood Planning (General) Regulations 2012. Importing the 14% HMA indicative minimum growth rate to the Neighbourhood Area gives a minimum 'target' of 57 dwellings between 2011-2031. To date, there have been 6 completions and 30 commitments during the plan period leaving a residual minimum target of 21 dwellings within the Neighbourhood Area of Much Birch. In referring to figures 4.14 and 4.15 (Core Strategy p. 109) there are three identified settlements within Much Birch Neighbourhood area to which the majority of those 21 dwellings will be directed; Kingsthorpe, Much Birch and Wormelow. All three settlements are identified at figure 4.14 as main rural settlements.
- 2.10 Policy RA2 starts to flesh out what the application of the spatial strategy means in relation to individual application proposals and would reasonably be construed as the test for the 'principle of residential development' here. A thread running throughout RA2 is the requirement for development proposals to be within or adjacent to the main built up part of a settlement. Otherwise its main direction is that, when made, relevant NDPs will determine the precise location of housing within each settlement. RA2 goes on to list detailed criteria for development proposals in rural settlements. It requires that proposals reflect the size, role and function of each settlement; are of a high quality which positively impact on the site setting; include a range of housing which caters for local need i.e size and types; and makes full use of brownfield land where possible.
- 2.11 Picking up on an NDPs importance to the application of Policy RA2, whilst Much Birch Neighbourhood Area has been designated (perhaps indicating a desire to produce an NDP) to date no such plan is available, even in draft form. Thus there is no defined settlement boundary to Kingsthorpe at present. In the absence of a made or suitably advanced NDP Core Strategy paragraph 4.8.23 advises as follows:

*"In the period leading up to the definition of appropriate settlement boundaries the Council will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement. Outside of these settlements new housing will be restricted to avoid unsustainable patterns of development."*

### Development Plan policies relevant to other matters

- 2.12 Policy SS4 is the strategic policy concerning movement and transportation, with developments designed and located to minimise the impacts on the transport network; ensuring that journey times and safe operation of the network are not detrimentally impacted. Where practicable, development should be accessible by and facilitate a genuine choice of modes of travel.
- 2.13 Expanding on the above, Policy MT1 sets out the chief requirements of movement and transportation. The first of these is that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. In terms of detailed design the final criterion of MT1 says that regard should be had to both the Council's Highways Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan.
- 2.14 Policy SS6 is the strategic policy which sets out the Core Strategy's approach to development in terms of environmental quality and local distinctiveness. The policy requires development proposals to be shaped through an integrated approach to planning the identified environmental components from the outset. Of particular pertinence to this proposal are landscape, settlement pattern and local distinctiveness; biodiversity; and local amenity.
- 2.15 Expanding on the landscape and local distinctiveness dimension of the above, Policy LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection to ensure the protection and enhancement of the setting of settlements and designated areas.
- 2.16 Policy SD1 is also relevant in this regard requiring, inter alia, that development proposals make efficient use of land - taking into account the local context and site characteristics and maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area. SD1 also requires that the amenity of existing and proposed residents is safeguarded.
- 2.17 In terms of biodiversity, Policy LD2 requires the retention and protection of nature conservation sites and habitats and species in accordance with their status, with opportunities for enhancement and restoration taken where practicable.
- 2.18 Strategic Policy SS7 outlines the measures that development proposals will be expected to take in helping address climate change, including minimising the risk of flooding and making use of sustainable drainage methods and demonstrating water efficiency measures to reduce demand on water resources.
- 2.19 Policy SD3 is relevant to surface water drainage and flooding, specifically requiring measures for sustainable water management to be an integral element of development proposals. Where flooding is identified as an issue, new developments are expected to reduce flood risk. Developments shall also include appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site as not to result in an increase in runoff, aiming to achieve a reduction in existing rates where possible.

2.20 Policy SD4 requires an application submission to demonstrate how foul water will be managed. Foul water drainage must be separated from the surface water drainage. The Policy prefers the use of mains sewers, though if none are within the vicinity of the site the following methods are preferred in order:

1. Package sewage treatment works (discharging to watercourse or soakaway);
2. Septic tank (discharging to soakaway);
3. Cesspools.

#### Other policy considerations

2.21 The NPPF has a material bearing on the principle of development here given it's requirement, at paragraph 47, that Councils maintain a 5 year supply of housing land, which in Herefordshire Council's case must be supplemented by a 20% buffer for persistent under supply. The Council cannot currently demonstrate a five year supply of housing land (4.39 years at present) and accordingly local policies relevant to the supply of housing should not be considered up to date as prescribed by paragraph 49 of the NPPF.

### **3. Planning History**

3.1 DCH872441/O for proposed erection of dwelling with garage: Refused for being contrary to the then incumbent development plan.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Welsh Water does not object but recommends the appending of advisory notes to any permission given.

#### Internal Council Consultations

4.2 The Transportation Manager does not object to the principle of development:

#### *Initial comment received*

4.2.1 The site is located on Ladywell Lane which is a single lane carriageway. The highways network adjacent to Ladywell Lane also equates to narrow lanes with few official passing place. To get to the wider highways network there are two options, the first is via Wrigglebrook Lane, Upper Wrigglebrook Lane and The Thorn. The route has narrow lanes and large junction with the C1263. The second option is via Ladywell Lane and Forge Lane. This route has narrow sections, steep gradient and a substandard junction with the C1263. The junction's visibility splay makes the junction substandard as it is restricted by a hedge to the south and a wall to the north. Both the hedge and wall are close to the edge of the C1263 and Forge Lane. There is no way to improve the junction due to the hedge and the wall not being in the applicant's ownership.

4.2.2 The submitted documentation included speed and volume surveys undertaken on Ladywell Lane and Forge Lane which show that a daily average of 27 vehicles use Ladywell lane over a 7 day period and a daily average of 21 vehicles use. The three bedroomed houses equate to 3 parking spaces per dwelling, therefore there is potential for a minimum of 18 trips on narrow lanes and a junction with substandard visibility splays.

4.2.3 There has been one recorded accident recorded during this current 5 year period which is to the south of the junction of Forge Lane and C1263. An additional 2 accidents have been recorded around the junction from historic records. Two historic accidents have been recorded at the junction of The Thorn and C1263.

4.2.4 To support the application, a speed survey on the C1263 was also considered necessary to assess the implications of increasing the number of vehicles using the junction of the C1263 and Forge Lane. An assessment of route options was also requested.

*Further comment received upon submission of a speed survey on the C1263 adjacent to the junction with the U71609 and the provision of a route analysis –*

4.2.5 After undertaking an additional site visit and reviewing the recently submitted documentation here are my following comments.

4.2.6 The restrictions to the access and highway areas are as follows:

1. Very restricted visibility from the C1263 and U71609 junction-
2. Narrow sections of carriageway with no official passing places.

4.2.7 Whilst the development will look to increase the number of vehicles on Ladywell Lane, there are a number of routes which can be undertaken therefore the cumulative impact onto the highways network would not be classed as severe. The junctions in question are only located a short distance away from the site and would not significantly increase the travel time for vehicles using the alternative junctions.

4.2.8 The visibility at the junction of C1263 and U71609 is severely limited. The junction is restricted by a wall and hedge which closely borders the junction and provides a very limited visibility splay. If this was the only junction which served the site then the development would intensify the junction and the implications would be classed a severe. As mentioned there are alternative routes which allow vehicles an option not to use this route.

4.2.9 The routes to the site have narrow lanes with no official passing bays, vehicles pass using private driveways.

4.2.10 The access and highway adjacent to the site does have restrictions however these would not be classed as severe and therefore would not justify a refusal.

4.2.11 If mind to approve the development a construction management plan should be conditioned with the review of size of vehicles used to access the site.

4.3 The Conservation Manager (Ecology) does not object to the principle of development:

4.3.1 The site falls within the River Wye SAC Habitat Regulations Assessment area – as identified the only 'likely significant effect' is from foul water management and surface water from the site – surface water and final outfall from a package treatment plant is being managed via a spreader/soakaway system and so any potential impacts from residual phosphates, nitrogen and suspended solids are managed and mitigated on site. With this in place as part of any approved plans I am happy to assess the development as having NO 'likely significant effects' on the River Wye SAC/SSSI.

4.3.2 The ecological risk avoidance and working measures recommended in the Ecological report should be part of a Condition. The biodiversity enhancements proposed are very limited and only cover bat species. I would request that to fulfil NPPF guidance a wider range of enhancement options could easily be incorporated at very little cost – such as addition of a bird box and insect home on each dwelling and a hedgehog home within the wider boundary features. I have added these to a suggested condition.

4.3.3 I note that there are trees and hedgerows being retained on site and it is important that these are properly protected during the construction process and so I would request a BS5837:2012 tree protection plan with associated working methods.

4.4 The Drainage Manager does not object to the principle of development:

#### 4.4.1 Overview of the Proposal

The Applicant proposes the construction of 3 dwellings and appropriate parking. The site covers an area of approx. 0.24ha and is currently used as a Greenfield site. The Wriggle Brook is located approx. 50m to the north of the proposed development site. The topography of the site is sloping down from approx. 175m AOD in the south of the proposed development site to approx. 170m AOD in the north.

#### 4.4.2 Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1: Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding.

4.4.3 As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1 [not shown here].

4.4.4 The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 2 [not shown here].

4.4.5 The Planning Practice Guidance to NPPF states that residential development is to be considered as 'more vulnerable' development. With reference to Table 2, 'more vulnerable' development would be considered appropriate in Flood Zones 1 and 2.

4.4.6 This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

#### 4.4.7 Surface Water Drainage

The Applicant has submitted a surface water drainage strategy showing that surface water will be managed using soakaways. The Applicant has provided infiltration testing results undertaken in accordance with BRE365. Review of these results confirms that soakaways prove viable for managing surface water run-off. The Applicant has provided calculations proving that the soakaways are sufficiently sized to ensure that the drainage system is able to cope with up to the 1 in 30 year event + Climate Change. The groundwater has not been encountered at a depth of 3.5m, thus the groundwater level will be more than 1m below the base of the proposed soakaways. The Applicant must clarify the proposals for the drive way.



#### 4.4.8 Foul Water Drainage

The Applicant is proposing to use package treatment plants to manage foul sewage. The layout plan shows the pumping station located near the corner of the house. This may be subjected to blockages from materials within the waste water. Following convention it is normal to align the drains to discharge into the package treatment plant then pump the treated effluent uphill. Please submit trade literature that supports the proposal to install the pumping station at the corner of the building.

4.4.9 We note that the package treatment plant for Plot 3 is located within 7m of the habitable building. This does not comply with BS6297. The Applicant must relocate the package treatment plant to be a minimum of 7m away from any habitable buildings.

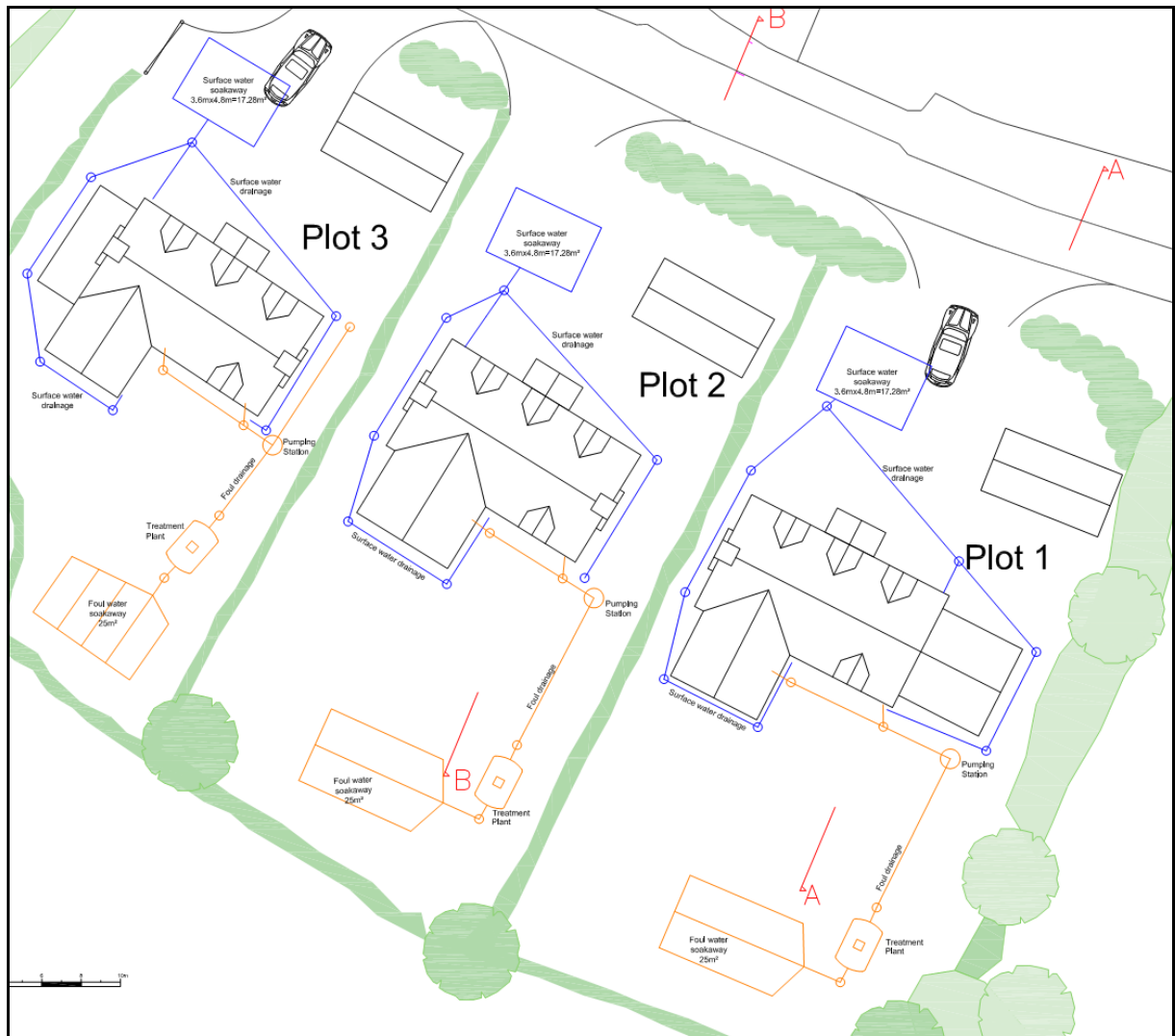
4.4.10 The Applicant should consult with the EA regarding the use of a package treatment plant or other on-site method of wastewater treatment and disposal.

#### 4.4.11 Overall Comment

We hold no objections to these proposals in regards to surface water management. The following information should be submitted prior the Council granting planning permission:

- The Applicant must clarify the proposals for the construction of the driveway;
- The foul water drainage strategy presented does not allow for the potential of blockage of pumping station. The Applicant must re-submit the foul water drainage strategy.
- The Applicant must relocate the package treatment plant for Plot 3 to be a minimum of 7m from the habitable building.

4.5 As a result of the above, the developer submitted further information including detail of the foul drainage solution which shows that foul waste will be pumped to the a private treatment plant for each dwelling to the rear of each respective plot. The proposed pumping station has a 24 hour capacity for storage and an alarm system in case of failure, including texting the occupant. The below indicative drawing shows approximate locations of the treatment plant and soakaways.



The Drainage Engineer commented on that further submission as follows:

- 4.5.1 The alarm system itself would need to be loud enough to wake the house occupants. At this time the homeowner would need to make plans to contact via an out of hours phone number. An alarm system fitted on an external package treatment plant would be noticeable when the occupant went outside. Also the pump would be noisy and would be adjacent to the property.
- 4.5.2 In the event of an electrical power failure overnight, the occupier would only be made aware of the failed pumps in the morning. The electrical control normally needs a manual re-set. The maintenance strategy would need to demonstrate how the pumps would be repaired with the remaining time within the 24 hour period (typically 16 hours)
- 4.5.3 The maintenance strategy would need to demonstrate that there are several companies offering a service to repair the pump 24/7. If the maintenance strategy relies on one or two companies then if such a company were to go out of business then the homeowner would be subjected to foul flooding. I would tend to agree that this product would be well suited to use in cities like London where there are many basements with a steady demand for such services.
- 4.5.4 The applicant would need to demonstrate how the risk of surface water ingress into the foul sump will be prevented. The foul pumps that have been specified are for dry areas. To prevent the ingress of water the cover would need to be raised up. This may create a

trip hazard. The use of 'watertight' covers is not considered sufficient because the seal on these would perish in due course.

- 4.5.5 The maintenance strategy needs to demonstrate how flows will be pumped or tankered away in the event of major failure of the pumps. The water companies develop a strategy for such a scenario, this issue needs consideration for a private household as well.

## **5. Representations**

### **5.1 Much Birch Parish Council Objects:**

- 5.1.1 The Much Birch Parish Council has considered the application, and heard representation from parishioners, and are minded to OBJECT to the planning application for the following reasons:
- 5.1.2 The application shows revised plans for attempting to deal with foul water disposal in the absence of access to a public sewerage system. The Parish Council are concerned that there will be inadequate soak away for the water generated by the properties in an area that is already vulnerable to field water run off and drainage issues. The ground is inherently boggy in nature and there is a question regarding that percolation tests should be carried out.
- 5.1.3 The lane is considered too narrow to accommodate the required construction traffic and subsequent householder traffic. Considerable inconvenience to existing residents is likely to be experienced.
- 5.1.4 There is a concern as to the over-bearing nature and overlooking from the new houses leading to a loss of privacy.
- 5.1.5 There is concern that natural light may be blocked out for the properties below the new builds.
- 5.1.6 There are also concerns over the access which does not appear to be properly represented on the drawings and will be creating a third access point onto what is a very narrow lane.

### **5.2 16 representations have been received and can be summarised as follows:**

- There is no public sewer in the village for the disposal of foul sewerage and surface water run-off. Drainage and flooding is a persistent problem for the village which will be exacerbated by any development on this field, especially along Upper Wrigglebrook Lane which is constantly awash with surface water. Despite all properties using septic tanks and soakaways drainage remains a huge problem for the village with the Wriggle Brook being regularly over-burdened and causing an offensive odour during warmer months;
- The Wriggle brook has flooded within the last 10 years, rendering one of the bungalows opposite the proposed site uninhabitable for 12 months due to water damage. The proposed development would exacerbate the issue;
- One week after heavy rainfall, the site turns to quagmire and Ladywell Lane is flooded;

- Whilst attenuation systems release water at a slower rate, there are existing problems associated with the drainage of the site and therefore the modern drainage systems will not assist the pre-existing drainage issue. Also drainage systems will need to be significantly dug in due to the sloping land, potentially harming the landscape;
- Soakaway tests were undertaken at a time when rainfall had not been significant;
- The ground had been severely disturbed in the months prior to the testing and this area is covered with a good depth of freshly dug soil transferred from the grounds next door. Freshly disturbed soil may assist the drainage at this test hole dramatically and would therefore give an inaccurate result.
- None of the test holes were sited in-line or anywhere near to the site of plot 3 and its proposed entrance, which is where the worst of the free flowing surface water sits and drains off during wet weather. The new drainage plans contained within the Drainage Strategy & Calculations Document shows a proposed surface water soak away in the exact area where the field suffers its worst drainage problems. This troubled area shouldn't have been excluded from the test.
- An infiltration system is proposed which can include a high clogging potential due to incorrect siting and misjudgement of surrounding soil types. They are also susceptible to a build-up of contamination which would be disastrous in a rural, ecologically diverse area such as this. Maintenance of the system is a concern.
- I am in full support of local development and new housing for growth but I feel that the approach to this application has been at times, lackadaisical, especially toward the strong and real concerns of those residents that surround the proposed site. It is impossible, through desk study, to truly understand the concerns raised in the objections, unless you are a resident of the area. A residential development on this site is totally inappropriate when there are geographically safer areas nearby that would be much more suited to it, especially in regard to drainage and road safety.
- There is a lack of infrastructure within the village to support the development. There is no shop or post office within walking distance. The bus service cannot be relied upon;
- The lane is a narrow single track and the development will lead to an increase in movement both associated with residents themselves and delivery vehicles. Often pedestrians have to step up onto the verge to avoid traffic. There are no footpaths or street lighting. The development will increase the likelihood of an accident;
- If these plans were approved there would be 8 driveways in close proximity opening on to a very narrow road and three way junction. As it is there are often cars parked on the verge in this area as there is so little parking for workmen and visitors to some of these houses. This could well lead to an accident.
- Access to the development sites have visibility for a 20mph speed of an approaching vehicle. Vehicle speeds are likely greater than this;
- The submitted speed surveys were undertaken at a time when six properties were not occupied;
- Contrary to the second transportation assessment, vehicles do not consciously choose to use alternative routes to avoid the junction of Forge Lane with the C1263, rather it is the most frequently used route to exit the Ladywell area. Alternative routes come with their own issues such as limited width and overhanging trees;
- Visibility at the junction of Forge Lane and C1263 is extremely limited and one has to creep forward over the stop line whilst performing a hill start. Given the speeds of vehicles using the C1263, this is a very dangerous manoeuvre;
- The junction of Wrigglebrook Lane, Ladywell Lane and Forge Lane is restricted in both visibility and width. The roadside verge is often used to facilitate the turning of vehicles;

- The associated increase in noise and light pollution from the development as well as increased traffic will further harm the enjoyment of the neighbouring properties as well as the amenity of the village;
- If approved, access to the site should be limited to 8am-5pm Monday to Friday to avoid disruption to residents;
- Building on agricultural land will destroy the amenity and character of the village of Kingsthorpe and will set a precedent for further development on other small plots of agricultural land throughout the villages of Kingsthorpe and Little Birch. It will also open the way for linear development further along the neighbouring fields on Wrigglebrook Lane;
- The development proposal would increase the urbanisation of the village and go against Herefordshire Council Supplementary Planning Guidance, ref Landscape Character Assessment;
- The existing bungalows opposite the proposed site are single story and low level. The large houses proposed would be directly overlooking these existing properties, dramatically compromising their privacy. The bungalows would also suffer overshadowing, especially in the winter season when the sun is at its lowest as it progresses west behind the proposed site during the day.
- The development is not sustainable as the dwellings are not attainable to young people. The type of properties infiltrating the village are 'luxury';
- The application does not meet local housing needs as it does not provide affordable housing to encourage young people to stay in the village and therefore does not meet any social or economic needs as set out in the National Planning Policy Framework;
- Kingsthorpe is easily affected by noise. The smallest sound travels an incredible distance. The groundworks and construction on this site would most certainly cause distress to all in the near vicinity, especially some of the more elderly and vulnerable residents who are potentially housebound and unable to escape the disruption.
- The application site has been available as recreation land for many years;
- There have been no sheep within the field until very recently contrary to the applicant's assertion of sheep worrying by users of the permissive right of way through the field;
- The Ecological Assessment provided by the agent is inadequate and incorrect. The stated lack of biodiversity of this site will most certainly have been impacted by the huge amounts of fresh soil that has been distributed across the field recently, due to extensive landscaping/ groundworks at Cuckoo Cottage. Heavy machinery has been used in this field during this time, thus potentially destroying any evidence of existing flora and fauna. As this site was under a Defra order scheme for 10 years, with local signage (recently removed), identifying resident wildlife species the site was likely rich in biodiversity;
- The development of the field would destroy a natural habitat which is rich in wildlife, including polecat, and would mean a harmful reduction in biodiversity to the area;
- Disturbance of this field is not regarded as a positive contribution towards sustainable development and would cause further loss to ecological habitat.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163364&search=163364](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163364&search=163364)

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

## 6. Officer's Appraisal

### Principle of development

- 6.1 The application site is within Much Birch Neighbourhood Area which, when importing the Ross-on-Wye HMA indicative growth target, requires the provision of a further 21 dwellings before the end of 2031 to be mainly shared between the settlements of Kingsthorpe, Much Birch and Wormelow all of which are identified as main rural settlements at figure 4.14 of the Core Strategy. The site is located within Kingsthorpe being contiguous with other dwellings on three sides. The application proposal is therefore considered to be within the main built up part of an identified settlement as required by the outstanding criterion of Policy RA2 and the wider residential spatial strategy outlined at Policies SS2 and SS3.
- 6.2 The Council's inability to demonstrate an NPPF compliant supply of housing land is also a material consideration. Development plan policies relevant to the supply of housing must be considered out of date on this basis. However, that is not to say that those policies do not continue to attract weight.
- 6.3 The basic premise of the Core Strategy's housing policies is to support residential development in sustainable locations, chiming with the requirements of the NPPF. In this instance and as per the above assessment, it is officer's opinion that the application site is sustainably located whereby the principle of development complies with the Council's rural housing strategy. It would be counterintuitive therefore to suggest that for the purposes of this application, those policies no longer attract significant weight; there being no conflict with the positively worded premise of policy RA2
- 6.4 Further, the purpose of requiring Councils to perpetually maintain a five year supply of land for housing is to ensure that sufficient housing for projected population growth is planned for. The Council's housing land supply position is improving, rising from 3.63 years (as agreed at appeal in May 2015) to the current position of 4.39 years. This demonstrates that the undersupply is being actively addressed.
- 6.5 Therefore and in this instance it is your officer's opinion that the Core Strategy policies relevant to the supply of housing, most notably SS2, RA1 and RA2, continue to attract very significant weight although the inflated social and economic benefits associated with the provision of three dwellings should also be acknowledged when undertaking the 'planning balance' in recognition of the fact that the Council does not have a 5 year supply.
- 6.6 On the above basis, the contribution that the development scheme would make towards the supply of housing, particularly in the context of the County's under supply of housing land, is a significant material consideration telling in favour of the proposal.

### Key issues

- 6.7 Having established that the principle of development at this location would be acceptable it falls to consider the proposal against the other relevant policies outlined at chapter 2 of this report to establish whether there are any adverse impacts which would weigh against the schemes established benefits and ultimately, whether or not the application proposal is representative of sustainable development.

- 6.8 Having regard to the Core Strategy policies and other material considerations the main issues in the determination of this application are as follows:-
- Impact on the villagescape, landscape and local distinctiveness;
  - Highway safety;
  - Drainage;
  - Residential amenity; and
  - Biodiversity.

*Impact on the villagescape, landscape and local distinctiveness*

- 6.9 Whilst matters of appearance, layout, landscaping and scale are reserved for later consideration, it must be considered whether or not the site has potential to accommodate three dwellings without compromising policy objectives in terms of villagescape, landscape and local distinctiveness. To this end, the applicant has submitted an indicative layout and street scene which shows three well spaced dwellings of a dormer bungalow design on an approximate, but un-regimented building line.
- 6.10 Kingsthorpe is a settlement defined by its steeply undulating land form and spacious wayside settlement pattern along warren-like lanes, albeit in a slightly denser and more nucleated manner than the immediately neighbouring sprawling settlement of Little Birch. Dwellings tend to be of individual and ad-hoc design, and thus the prevalent vernacular is a mixed one. However, most notably, the site's immediate easterly context, which would have made up the historic core of the village, comprises a number of attractive stone buildings of a traditional cottage profile and design.
- 6.11 The application site rises exponentially from front to rear though as the dwellings are indicated as being towards the fore of the site, they would be located on the flatter part of the site minimising the degree of cut and fill required. By virtue of the tall and dense roadside hedgerows, intervening buildings and the undulating land form, the development proposal would be visually contained from long range views. Where occasional long range views are available, the dwellings would be read as a part of the established residential milieu.
- 6.12 It is your officer's opinion that there is sufficient space within the site to accommodate three dwellings whilst upholding settlement pattern of the area (described above) as demonstrated by the indicative layout and street scene. Further, the indicative street scene shows three well spaced dwellings of a dormer cottage design with a low height and modest span which would sit comfortably amongst the varied but fundamentally traditional buildings at this part of the village. Whilst hedgerow would be punctured to provide access to individual plots, in this residential context, a robust landscaping scheme would be sufficient to overcome the very modest harm associated therewith. Therefore, from local vantage points, particularly Ladywell Lane itself, there is potential for a reserved matters submission to uphold the character and distinctiveness of the area so as to have a positive impact on its setting as required by Core Strategy Policies SS6, SD1, LD1 and the environmental dimensions of RA2.

*Highway safety and movement*

- 6.13 Access is a matter for determination. The application proposes three accesses, one to each dwelling. Two existing field accesses would be utilised minimising the degree of hedgerow removal required, though from a highway safety perspective the accesses appear to be so infrequently used at present that the intensification of their use would be tantamount to the provision of new accesses.

- 6.14 The main concern in this context is for the intensification of use of the junction of Forge Lane and the C1263 which is the most direct route of travel between the application site and the A49 and the rest of Herefordshire. The visibility exiting the junction is very poor with no real opportunity for improvement with land being without the applicant's ownership.
- 6.15 Three speed surveys are provided in support of the application; one adjacent to the application site, one on Forge Lane at the junction with the C1263 and one on the C1263 at the junction with Forge Lane. The applicant also submits that the limited number of vehicles (0.8 per dwelling per day) shown to pass through the traps provided at the top of Forge Lane indicates that most vehicles use other routes into and out of this part of Kingsthorne.
- 6.16 The Transportation Manager acknowledges that the junction of Forge Lane with C1263 has significantly substandard visibility. The visibility at the junction of C1263 and U71609 is severely limited. The junction is restricted by a wall and hedge which closely borders the junction and provides a very limited visibility splay. If this was the only junction which served the site, it is the Transportation Manager's view that the intensification of use of the access would severely impact on highway safety. However, there are a number of alternative routes which one could utilise.
- If heading north towards Hereford, the route by Wrigglebrook Lane and The Thorn is just 40 metres longer than via Forge Lane.
  - If heading south towards Ross, the route by Wrigglebrook Lane is 20 metres shorter than the route by Forge Lane although the road geometry and width is restrictive to speed.
- 6.17 Therefore the Transportation Manager advises that there are viable alternative routes to those which require use of the junction of Forge Lane with C1263 which would not significantly increase travel time. Therefore, there are routes which are of comparable convenience in terms of journey time and which deliver the road user to the main highway network for onward journeys without using the unsafe junction.
- 6.18 A further concern is that the local highway network is comprised of narrow lanes with no formal passing bays or scope to provide passing bays. However, the Transportation Manager does not consider this to pose a severe highway impact given the comparatively modest increase in vehicle movements.
- 6.19 Otherwise, the Transportation Manager does not raise concern for access onto the highway network from the application site or for the ability of the site to accommodate safe parking and turning.
- 6.20 In conclusion on this matter and having regard to the Transportation Manager's comments, there is a degree of harm associated with the potential use of the junction of Forge Lane with C1263 and the lack of formal passing places on the local highway network. However, by virtue of the modest intensification of vehicular use of the local highway network and the availability of viable alternative routes which circumnavigate the junction of concern, the degree of harm is considered to be very modest. Whilst this harm must be entered into the planning balance, it is not of a severe disposition which would require planning permission to be refused in the context of paragraph 32 of the NPPF. Further, the development proposal is considered to be compliant with Policies SS4 and MT1 of the Core Strategy.



### *Flood risk and drainage*

- 6.21 The application site is located in flood zone 1 where the risk of fluvial flooding is at its lowest and where the principle of residential development complies with Core Strategy Policy SD3 and the NPPF.
- 6.22 In terms of drainage, members are reminded that the application is made in outline only and that the scale and design of the development is yet to be determined. Accordingly, the minutiae of a drainage strategy can not be determined at this juncture. Rather the applicant must demonstrate at this stage that there is sufficient land capacity to deal with foul sewage and surface water within the site. This means dealing with sewage in compliance with the hierarchy laid out at Policy SD4 and detailed at paragraph 2.20 of this report and that site run off rates are no more than existing run off rates as required by Policy SD3 (paragraph 2.19 of this report).
- 6.23 As there are no mains sewers proximal to the site, Policy SD4 advises that connection to a package sewage treatment works which discharges to a watercourse or soakaway is the preferred means of treating sewage. The application scheme proposes the use of a package sewage treatment works discharging to a soakaway in compliance with the overriding requirements of Policy SD4.
- 6.24 Members' attention is drawn to the Drainage Engineer's updated comments at paragraph 4.5 of this report. The drainage system requires use of a pump to move the raw sewage to the treatment works which would be upslope of the proposed dwellings. The Drainage Engineer requires the submission of further information to ensure that the drainage strategy does not impact on the health of occupiers of the proposed dwellings. However, these details can be required by condition given that they relate to the detailed workings of the drainage system rather than being a fundamental consideration. Indeed, it is not plausible for this information to be provided at this stage given the outline nature of the planning application and that issues of detail are not yet known. On this basis, it is your officer's firm opinion that the application complies with Policy SD4 on matters of foul sewage treatment.
- 6.25 The outfall from the package sewage treatment works and surface run off from areas of hardstanding will contribute to the site's hydrological profile. The increase in water created on site (outfall from the treatment works) and the decrease in the site's porous surface area (areas of hardstanding) must be managed to ensure that levels of water run off from the site do not exceed existing levels. The application proposes soakaways to manage the release of surface water and is supported by infiltration tests to requisite BRE 365 standards which confirm that the soil type is suitable for infiltration techniques. Calculations are also provided demonstrating that the soakaways are sufficiently sized to ensure that the drainage system is able to cope with up to the 1 in 30 year event + Climate Change. On that basis, the Drainage Engineer considers the surface water drainage strategy to be appropriate and in compliance with Policy SD3.
- 6.26 Members will note the Drainage Engineer's two outstanding requirements at paragraph 4.4.11 of this report; firstly that the applicant clarifies the construction of the new driveway and secondly that the package treatment plant for Plot 3 is relocated to be a minimum of 7m from the habitable building. This information will be required as part of a reserved matters submission or planning condition which would provide a definitive scheme layout, details of the proposed driveway and a fully detailed drainage strategy.

### *Residential amenity*

- 6.27 The proposed dwellings are between 30 and 32 metres from the existing dwellings on the opposite side of Ladywell Lane whilst the associated single storey garages would be c. 21 metres from existing dwellings. These are sufficient distance to preclude overlooking and overshadowing even when factoring in the comparatively higher land level of the application site. Otherwise, there are important relationships between the dwellings and Ladywell Cottage to the east and Cuckoo Cottage to the South-west.
- 6.28 Cuckoo Cottage would be c.15 metres from the rear part of the closest dwelling (plot 3) on the indicative layout. The higher AOD level of Cuckoo Cottage is also relevant. In my view, the proposed dwellings would not unduly impact on the privacy and amenity of Cuckoo Cottage given the comparatively lower ground level of the application site and the offset orientation of 'plot 3' and Cuckoo Cottage. Further appropriate elevational design and landscaping would ensure that there are no privacy issues for occupants of Plot 3.
- 6.29 Ladywell Cottage is parallel to the indicative siting of Plot 1. However, it is offset from Ladywell Cottage by a single storey element. Therefore the elements of potential tension (the two storey parts of the buildings) would be c. 23 metres apart, a sufficient distance to limit amenity harm to a level less than significant.
- 6.30 For the above reasons, it is my view that there is sufficient opportunity for a reserved matters submission to respond to and design out potential overlooking and overshadowing issues such that existing and proposed residential amenity would be safeguarded in accordance with the requirements of CS Policy SD1 and the core planning principle set out at paragraph 17 of the NPPF.

### *Bio-diversity*

- 6.31 Core Strategy Policy LD2 requires that developments protect the biodiversity value of a site, particularly priority species and their habitats. As the proposal involves the development of a greenfield site and hedgerow removal an ecological survey accompanies the application to assess the potential impacts of the development on habitats and protected species that may be present on and around the chosen site. The Council's Ecologist confirms that the ecological survey and recommended mitigation therein is appropriate and subject to appropriate planning conditions the development proposal would comply with Policy LD2 and the NPPF.

## **7. Conclusion**

- 7.1 Paragraph 14 of the NPPF, which is also enshrined at Policy SS1 of the Core Strategy sets out the determination mechanism for planning applications. It states as follows:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*
- 7.2 As the Council cannot demonstrate an NPPF compliant supply of housing land, relevant policies to the determination of this application are out of date i.e. policies relevant to the supply of housing. There are no specific policies within the Framework which indicate that development should be restricted. Thus the test laid out in limb 1 of bullet no.2 set out above is the appropriate mechanism for determining the application; that is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.3 In providing three dwellings for which there is a demonstrable need, the development proposal would give rise to social benefits, necessarily augmented for its boosting of the Council's Supply of Housing Land. Further it would give rise to economic benefits both in the short term through employment of the construction trade and in the long term through the spending of residents' disposable income within the local area. As the development proposal complies with the Council's spatial strategy and specifically the requirements of rural residential development laid out at Policy RA2, there are no locational dis-benefits associated with the scheme. Further, given the lack of overriding biodiversity or drainage harm and that there is sufficient potential for a reserved matters submission to uphold the character and distinctiveness of the locality, the application does not give rise to environmental harm.
- 7.4 The only harm identified is associated with the potential use of the unsafe junction of Forge Lane with the C1236. However, given that there are alternative routes of travel which are comparably convenient to road users for onward journeys and that use of the unsafe junction is not *required*, the degree of harm is considered very modest.
- 7.5 On the above basis, and in undertaking the planning balance, the very modest harm in a Transportation and Movement sphere is not considered to demonstrably and significantly outweigh the social and economic benefits of the development proposal. Accordingly, the application is representative of sustainable development and Policy SS1 of the Core Strategy and paragraph 14 of the NPPF advise that planning permission should be granted.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

1. **A01 - Time limit for commencement - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

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

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

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

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

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

4. **Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance, access and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.**

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

5. **The development shall be carried out strictly in accordance with the approved plans (drawing nos. OPKT01 & OPKT02), except where otherwise stipulated by conditions attached to this permission.**

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

6. **Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted.**

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

7. **Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the each residential planning unit and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) to the distances specified on drawing no. OPKT02 in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

8. **Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

9. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

10. All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

**Reason:** In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Development shall not commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall detail:

- The type of construction vehicles accessing the site;
- The number of construction vehicles accessing the site on a daily and weekly basis;
- The frequency of construction vehicle movements; and
- An explanation of periodic variances to the above.

Works shall be implemented as approved.

**Reason:** To protect the safety and condition of the highway as required by Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

**Reason:** To ensure, with immediate effect, that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. **Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.**

**Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

14. **The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

15. **The recommended working methods as stated in the preliminary bat survey report by Pure Ecology dated September 2016 shall be implemented as stated unless otherwise approved in writing by the local planning authority. The recommended bat roosting enhancements with the additional inclusion of one (Schwegler or similar) bird box and insect habitat box per dwelling and at least one hedgehog home in the wider landscaping shall be included in the completed development unless otherwise agreed in writing by the planning authority.**

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

16. **Before any work begins, or equipment or materials moved on to site, a survey of trees and hedgerows on the site to BS5837:2012 must be undertaken and the resulting report with arboricultural risk assessment, arboricultural working methods and recommended tree and hedgerow protection measures shall be supplied to the planning authority for written approval. All approved works and protection measures for trees and hedgerows must remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

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

17. **Prior to the commencement/first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

**Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### **INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **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.**
3. **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 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.**

4. 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.

5. 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.
6. 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'.

Decision: .....

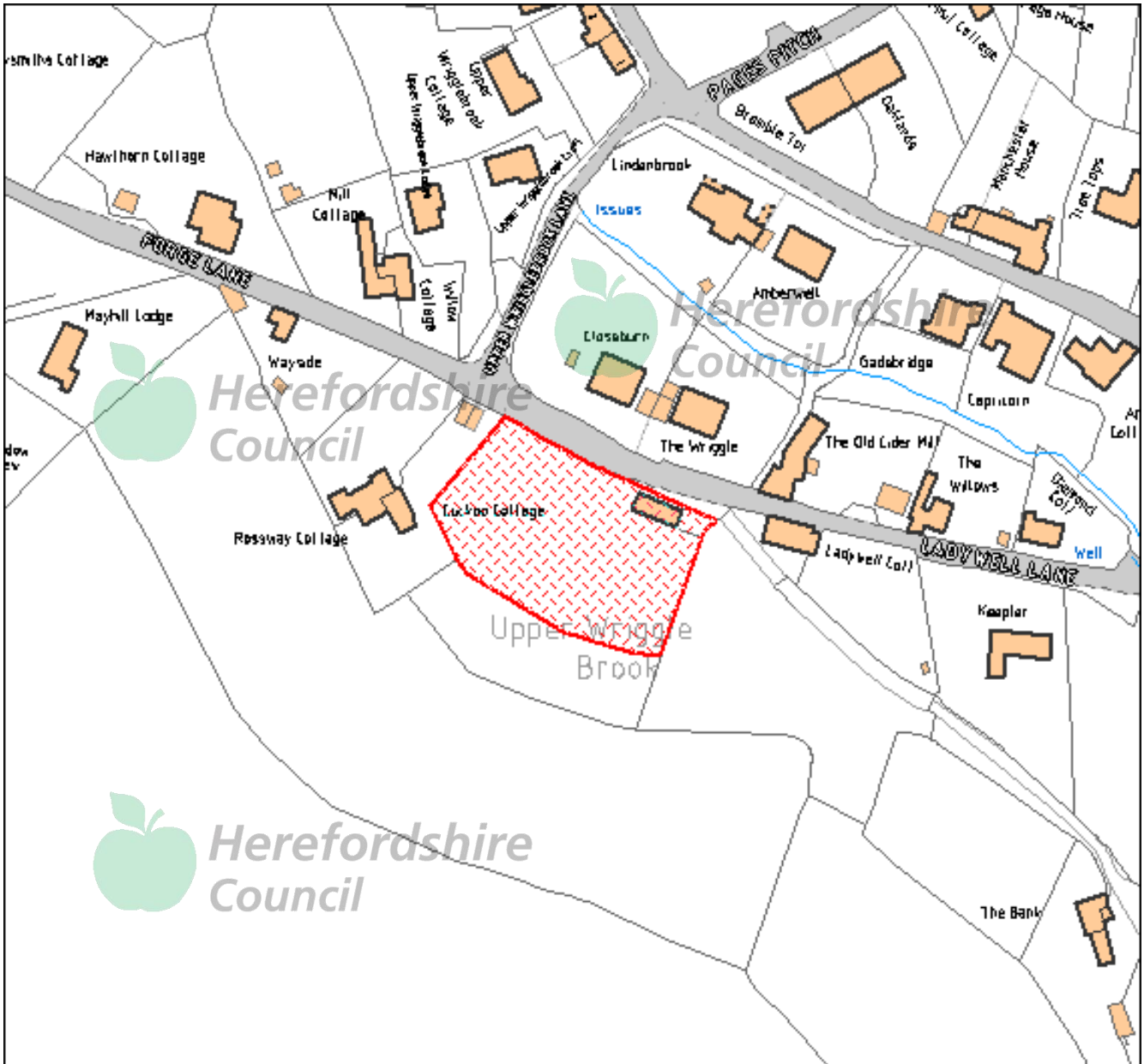
Notes: .....

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### **Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 163364

**SITE ADDRESS :** LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795