

MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	151145 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 21 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE For: Mrs Susan Churchward, Moreton Farmhouse, Moreton Eye, Leominster, Herefordshire HR6 0DP
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151145&search=151145
Reason Application submitted to Committee – Change of Policy	

Date Received: 20 April 2015

**Ward: Leominster
North & Rural**

Grid Ref: 351785,261260

Expiry Date: 24 July 2015

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The application site is on the north-west side of the main built up area of Kimbolton. Chestnut Avenue adjoins the site to the south-west, Stockton Rock, a housing estate of 35 dwellings is to the north-east and Stockton Cross Inn, a listed building, is to the north-east on an a 90 degree bend in the A4112 road from which access will be gained . The site is like Chestnut Avenue elevated in relation to the road, the land inclines from the A4112 in this part of Kimbolton. Ryde Lane defines the eastern boundary, it is a narrow sunken lane serving two properties. The site is presently used for grazing.
- 1.2 There is a narrow footpath that runs along the roadside frontage, it leads eastwards through the settlement to the village hall and school at the eastern end of the predominantly linear settlement.
- 1.3 The site gains access off the northern side of the A4112 road. There is well established hedgerow along the roadside that will need to be removed in order to provide visibility splays of 2.4 x 49.2 metres. The principle of development and means of access are the only matters to be determined at this stage, the other matters will be determined at the Reserved Matters stage in the event that planning permission is granted.
- 1.4 An indicative layout plan has been submitted identifying twenty-one dwellings on this 1.68 hectares site can be achieved. Sixteen market houses will be provided (four x 2 bedroom, eight x 3 bedroom and four x 4 bedroom), and five affordable dwellings. The indicative plan also provides details for a surface water holding/attenuation pond that will discharge into an

Further information on the subject of this report is available from Mr A Prior on 01432 261932

existing watercourse. Details are also provided for a highway surface water pipe attenuated to greenfield run-off rate. The development will be served by a private sewage treatment plant

- 1.5 This proposal has been the subject of community consultation at a Parish Committee meeting in April 2015.
- 1.6 The proposal was accompanied by an ecological appraisal, speed survey and a flood risk assessment required as the site exceeds one hectare.

2. Policies

2.1 The Herefordshire Local Plan- Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework (NPPF).

The following chapters are of particular relevance to this proposal:

Introduction - Achieving sustainable development

- Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 10 - Conserving and enhancing the historic environment
Section 11 - Conserving and enhancing the natural environment

- 2.3 The 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>

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objections

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Internal Council Consultations

4.2 Transportation Manager - No objection and also states that it is feasible to undertake works for surface water drainage into highway drains.

4.3 Conservation Manager (Landscape): Objection

The proposal will require the removal of a section of existing native hedgerow on the south eastern site boundary. This needs to be compensated for by the replacement of further native hedgerow planting in the appropriate areas of the development site such as the north western development site boundary.

The landscape character of the proposed site is that of a 'Plateau Estate Farmlands' which is composed of mixed farming land use, hedgerows and planned tree cover. Proposed soft landscape boundary features should emphasise this landscape character.

There is an area outside the site to the south approx. 300m away, Cogwell Brook which has flooding issues. Also on the eastern site boundary there is a risk to flooding along the existing access track.

Appropriate Sustainable Drainage proposals should therefore be proposed to identify how suitable sustainable drainage is to be implemented on the proposed site to control site water run off and water pollution control.

The proposed site extends in a north westerly direction beyond the existing adjacent north western housing boundaries. This creates housing creep into open countryside which makes the proposed site out of scale with the existing village pattern.

Adjacent and parallel to the eastern boundary of the site there is a public right of way footpath (KB1). Where appropriate further tree and native hedgerow planting should be proposed on this eastern site boundary, to screen views from this footpath into the development site

Due to distance and lack of intervisibility there is potentially no visual impact on Hamnish Clifford and Eaton Hill Unregistered Parklands.

To the west approx. 200m away there is an Ancient and Semi Ancient Woodland (1106225) To the north approx. 150m away there is an avenue of TPO trees (027355). The tree character of this area is important. Existing trees and hedgerows on site should therefore be protected during the construction activities on site.

Recommendations

If the below landscape conditions were implemented, I would then not object to this application. The Landscape conditions:

1. The size of the application site was reduced by approx. 40% and 11 houses were proposed. The northern site boundary tied into the adjacent existing northern housing boundaries.
2. An appropriate sustainable drainage plan was forwarded, along with a sustainable maintenance drainage programme.
3. Further native tree and hedgerow planting and native ground cover planting was proposed on the north western site boundary and northern section of the north eastern site boundary.

4.4 Conservation Manager (Ecology): Support subject to appropriate conditions

4.5 Conservation Manager (Archaeology): Conditional Support subject to appropriate conditions

The application site is close to the recorded extent of 'Stockton Bury' deserted medieval village site (located just to the south of the main road).

Whilst it would currently appear that there are no remains of substance relating to Stockton Bury within the application area, and that the layout of recorded earthworks etc suggests the focus of medieval activity was to the south of the road, there is still a possibility that some remains of moderate interest may be present.

Accordingly, whilst I would have no objections to the development as proposed, I would advise a suitable archaeological recording condition (Standard planning condition E01 /C47) as mitigation.

This would be on the basis of NPPF Para 141, and saved Policy LD4 of Core Strategy.

4.6 Land Drainage Manager: Conditional Support

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2015

Overview of the Proposal

The Applicant proposes the construction of up to 21 new dwellings with associated access and associated works. The site covers an area of 1.68ha and it is currently used as a grazing field. Cogwell Brook is located approximately 400m to the east and south of the site.

Fluvial Flood Risk

Figure 1 indicates that the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) as part of the planning application.

A FRA has been provided by the Applicant which confirms the low fluvial flood risk at the site. The FRA also includes an assessment of the likely impacts of future climate change on the proposed development. The submitted FRA is robust and it is found satisfactory.

Other Considerations and Sources of Flood Risk

As required by NPPF, the FRA also gives consideration to flood risk from other sources. The potential flood risk from surface water, canals and sewers have been assessed and is considered to be low. We concur with this assessment.

The submitted FRA states that considering the elevation of the site in relation to the nearest watercourse, the absence of water features within the site boundary and the geology of the site, the risk of flooding from groundwater is also considered to be low. However the report recommends that this is confirmed by intrusive ground investigation and we agree with this approach.

The submitted FRA states that DCWW plans indicate a water main alongside and within the western boundary of the site. The report states that in the event of a burst pipe the resulting flood water would follow the terrain southwards away from the proposed dwellings and therefore risk of flooding from the water main is considered to be low. We concur with this assessment. The report recommends that DCWW is consulted to confirm whether the water main should be diverted or otherwise protected to suit the development proposal. We agree with this recommendation.

Surface Water Drainage

The submitted surface water drainage strategy follows the SUDS management train principles and we appreciate this approach.

The submitted FRA states that no intrusive ground investigation has been undertaken at the site to date, but through consideration of the geology of the site and Cranfield University Landis Soils mapping infiltration techniques are unlikely to be viable method of surface water disposal. The FRA recommends that this is confirmed by intrusive works including soil infiltration rates. We agree with this approach and recommend that infiltration testing is undertaken in accordance with BRE365 and the results issued to the Council for comment prior to construction.

The submitted FRA states that the nearest watercourse is located approximately 400m to the east and south of the site and discharge to this watercourse is considered as the most likely viable solution for the disposal of surface water runoff. Discharge to this watercourse will require construction of approximately 400m of new offsite pipeline below the public highway. These works will require approval of the Herefordshire Council Highways Authority.

It is understood that a new outfall to the watercourse will be required. The Applicant will therefore need to obtain Ordinary watercourse consent from Herefordshire Council prior to construction.

We also note that the surface water drainage system as shown on the submitted drainage strategy drawing indicates that the pipe is flowing uphill for a short section just outside of the site boundary. It is believed that it is a typo rather than the proposed design level, but recommend that this should be appropriately amended.

The FRA states that the drainage system serving the development will be designed in accordance with Sewers for Adoption, and allowing for up to 10% increase for urban creep, and will be offered for adoption by DCWW. We agree with this approach and recommend that evidence of DCWW adoption is provided to the Council prior to construction.

The submitted FRA provides estimated current greenfield runoff rates for a range of events between the 1 in 1 year event and 1 in 100 year event. The FRA confirms that surface water discharge from the development will be limited to these rates in accordance with the requirements of the National Standards for Sustainable Drainage Systems, ensuring no increased flood risk between the 1 in 1 year event and 1 in 100 year event and allowing for the

potential effects of climate change. We agree with this approach but would, however, recommend that a high level overflow is provided at the outfall of any flow control structure as the Applicant intends to limit the flow to less than 5 l/s.

The submitted FRA also provides preliminary volumes of storage that may be required to attenuate surface water runoff generated on the site. The FRA states that this will be provided within oversized pipes. The FRA also states that storage systems sized to cater for events up to the 1 in 30 year event will be offered for adoption to DCWW and that storage systems sized to cater for events between the 1 in 30 year and 1 in 100 year with climate change event would be provided outside of the adoptable system as DCWW are unlikely to adopt systems that cater for larger events. The FRA states that this surplus capacity is recommended to be provided via a single offline tank which would be managed by a single body in the interest of all residents.

The FRA recommends that the piped drainage system and crate storage is supported by the use of permeable paving, rain gardens, green roofs and rainwater harvesting. We agree with these recommendations and further recommend that consideration is given to the use of on-ground storage structures that offer other benefits such as amenity, treatment and biodiversity potential.

The submitted outline drainage strategy drawing indicates that exceedance of the drainage system may potentially increase the risk of flooding to the existing properties along Chestnut Avenue and A4112. The submitted FRA recommends that exceedance is addressed at the detailed design stage of the project as it is sensitive to finished ground levels which may be manipulated to minimise the risk to people and property elsewhere. We agree with this approach and recommend that further information is provided as part of any subsequent reserved matters application to demonstrate that exceedance flows (including those as a result of blockage and those as a result of temporary exceedance of gully/pipe capacity up to the 1 in 100 year event) will not adversely impact existing properties along Chestnut Avenue.

The submitted FRA gives some consideration to the treatment of runoff prior to discharge although the recommendations are not clear. We recommend that further consideration is given to the treatment of runoff prior to discharge as part of any subsequent reserved matters application.

Foul Water Drainage

The submitted FRA includes a proposed foul water drainage strategy. No public foul or combined sewers are located in the vicinity of the site. It is proposed that the foul water generated by the development is discharged to a package treatment plant.

The Applicant notes that ground conditions are unlikely to support the discharge of treated foul water to ground, and therefore the treated water is planned to be discharged to the proposed new surface water drainage system located in the public highway. It is recommended that this approach is discussed and agreed with the EA as part of the planning application process. Discharge of treated foul water to the new surface water sewer and eventually to the watercourse will also require discharge consent from Herefordshire Council prior construction. The Applicant proposes that a third party management company will be used to maintain the proposed treatment plant. We agree with this approach.

Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds.

It is recommended that the following information is provided prior construction:

- Soil infiltration rates to confirm whether the infiltration techniques are feasible for both surface water and foul water discharges;

- Groundwater levels if infiltration techniques are found to be feasible on site, as the bottom of a soakaway should be located a minimum of 1m above the recorded groundwater levels;
- Detailed surface water drainage design including SUDS source control measures wherever feasible and drainage calculations. The Applicant must provide evidence that the proposed drainage system will not increase risk of flooding to people and properties within and outside of the site for up to and including the 1 in 100 year event with 30% climate change allowance. The Applicant must also provide information on exceedance routes to ensure no increased flood risk to people and properties elsewhere;
- Detailed foul water drainage design;
- Confirmation of who will be responsible for the maintenance of the proposed package treatment plant and common attenuation storage;
- Confirmation from DCWW that they have agreed to the adoption and maintenance of the surface water drainage system

As discussed above, the Applicant will also need to obtain approval of the Council regarding the proposed combined sewer located within the public highway and ordinary watercourse consent for the new outfall to the watercourse south of the site.

5. Representations

5.1 Kimbolton Parish Council state:

Kimbolton Parish Council held an Extraordinary Meeting on 19th May 2015 to discuss this application and wish to make the following objections:

1. The Parish Council has severe concerns about the surface drainage and sewage management solutions proposed for this development. There is an existing problem with pollution into the Coggle Brook and the planning application gives no clarification as to where any outflows would lead to. There is also a concern as how adequate provision of mains water supply will be achieved.
2. Access from the existing highway to the site is poor due to the narrow road, fragmented footpath/pavement access and elevation of the site. The Parish Council is concerned about increased traffic using this access, particularly at night.
3. The Parish Council is concerned about the impact that such a substantial development will have on the community, measured against the existing population, infrastructure and geography of the parish. It will take Kimbolton Parish new homes built well in excess of the 14% guidance figure for 2011-2031 and cause a considerable strain on local services with such a population increase.
4. The Parish Council would like to request that this application is passed to the Planning Committee for determination due to the scale and impact of such a scheme on the parish.

5.2 43 letters of objection and 2 letters of support have been received. The content is summarised below

- Loss of good quality countryside
- Impact on infrastructure
- Dangerous access point, limited visibility and stopping distances

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- Access too close to our driveway
- Traffic survey flawed, diversion at time in Kimbolton
- Pollution of Coggle Brook, polluted already
- Should use alternative route use fields at Endale –foul drainage
- Surface water run-off
- Water pressure issues, could impact on our supply
- Effect on Ryde Lane due to erosion
- Light pollution?
- Needed housing close to bulk of development in village
- Village schools are vulnerable to closure, increase in numbers will assist

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.

6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. HCS Policy SS1 enforces what is at the heart of the Government's National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) *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*
- b) *specific elements of national policy indicate that development should be restricted*

6.3 Policy SS2 (Delivering new homes) of the Core Strategy sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the HCS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).

- 6.4 Kimbolton is identified as a settlement within the Core Strategy suitable for proportionate growth over the lifetime of the Core Strategy. Kimbolton has a Public House and shop, very close to the site and further away a junior school. The minimum number required with the plan period after taking into account recent permissions is 30 dwellings.
- 6.5 The application is made in outline with all matters reserved and involves the erection of up to 21 dwellings with 40% affordable on land to the north-west of the A4112. The site for residential development comprises a block that is wider along the northern boundary than the roadside one. The southern half of the site has been identified within the SHLAA study as a site of low constraints.
- 6.6 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, heritage assets in the form of the listed building (Stockton Cross Inn) and archaeology, ecology, existing surface water and foul drainage arrangements and increased traffic movements such that these would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Impact on landscape character, visual amenity and heritage assets

- 6.7 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Core Strategy policies SS6 (environmental quality and local distinctiveness) (landscape character), LD1 (landscape and townscape), LD2 (biodiversity and geodiversity), LD3 (green infrastructure) and LD4 (historic environment and heritage assets) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.8 The application site has no formal landscape designation. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity. It will be viewed from the highway/public footpath but will be viewed against a backdrop of mature trees which are beyond the line of the northern boundary and therefore not affected by development of the site. Whilst, it is acknowledged that this is an elevated site this site needs to be placed in the context of modern housing development particularly to the west (Chestnut Avenue) and Stockton Rock to the east. Otherwise development in Kimbolton is predominantly linear in form following the main thoroughfare, the A4112 Road. Sites need to be considered for this larger settlement, designated under Policy RA2 for proportionate growth in the Core Strategy, notwithstanding the recommendation of the Conservation Manager (Landscape) this is a site that can be developed such that it will not have an adverse and detrimental impact in the wider landscape. This is given the extent of built development either side of the site and the extent of established tree planting providing a backdrop to this low density development. Whilst, it is acknowledged that development will extend beyond a notional boundary to the settlement, it is not considered that this fact alone provides sufficient grounds for resisting development of this site, the lower slope of which has been identified in the SHLAA Study as being one of low constraints. This proposal provides a logical extension to Kimbolton.
- 6.9 The nearest heritage asset is the grade II listed Stockton Cross Inn, just along the A4112 road. The proposed development will not have an adverse impact on the setting of this heritage asset given the distance and its relationship to the listed building. There are no other heritage assets in such proximity to the proposal site.

- 6.10 The final issue relates to archaeology. This can be addressed by imposition of a condition requiring a scheme of investigation in order to protect any archaeological assets on the site.

Transport

- 6.11 The means of access is the only matter to be determined at this stage. The proposed access point onto the A4112 road has the requisite visibility splays, this has been determined by the speed survey on a stretch of road that is subject to a 30 mph speed limit.
- 6.12 Representations have been received relating to traffic movement and access. Traffic joining the highway will have good visibility to the west, towards the A49 and visibility to the east towards the Stockton Cross Inn and around a bend. Whilst, traffic heading westwards through Kimbolton and heading uphill passing Stockton Cross Inn will only see the new access point on passing the public house this is mitigated by the speed limit and need for care when negotiating the bend. This road is capable of absorbing the additional traffic movements without having an adverse impact on highway safety. This is also with regard to the proximity of the new access point to Steps Cottage adjoining the proposal site.
- 6.13 The development will also benefit from having access to a footpath that runs along the northern side of the highway and which continues further west providing access to the village hall and further on, the junior school.

Foul drainage

- 6.14 This is an issue raised by the Parish Council and in a number of representations received.
- 6.15 The applicant has opted for use of a package treatment plant that will be managed by a third party management company. Details will need to be provided for how the treated foul drainage will enter the public highway, a matter that is clearly in the control of the highway authority. The key issue is that this process undertaken by the developer under the control of the Council's Highway Authority. The Environment Agency will only make recommendations when the number of dwellings exceeds eighty and that the site is wholly within Flood Zone 1.

Surface water drainage

- 6.16 Surface water drainage will need to be provided such that the run-off rate including at storm time is consistent with the run-off for this greenfield site. This is feasible subject to conditions as recommended by the Land Drainage Officer. It is considered that the design of such features can be controlled in order to control run-off. This could also be achieved by good landscaping, rain-water harvesting, and the use of oversized pipes and storage tanks. The Highways Department has also confirmed that it is feasible for surface water management to be controlled within the adopted highway, as recommended by the Land Drainage Officer above.

Public Open Space

- 6.17 There is no formal open space provision in Kimbolton that could attract contributions from this proposal as required by Policies OS1 and OS2 in the Core Strategy. Contributions in accordance with any Section 106/Planning Obligation would be used to improve the existing public footpaths network.
- 6.18 Therefore, given local circumstances officers consider that the development can provide benefits in providing improved recreational facilities around the settlement in accordance with the requirements of Core Strategy Policies OS1 and OS2 and NPPF paragraphs 70 and 73.

S106 contributions

- 6.19 Contributions will be required as follows. On the submitted housing mixes the contributions required as follows

‘Education Contribution’ – No contribution required

‘Sustainable Transport Contribution’ - £46,724 (based on mix of 2 x 2 bedroom, 6 x 3 bedroom and 4 x 4 bedroom). This money would be directed towards sustainable transport projects, with potential expenditure on improving footpaths and possibly the cycle way link on the A49

‘Off site play’ - £3,916 (based on mix of 2 x 2 bedroom, 6 x 3 bedroom and 4 x 4 bedroom) This contribution would be directed towards improving the Public Rights of Way Network in accordance with the Public Rights of Way Improvement plan.

The S106 will also include provisions to ensure 40% of the development meets the definition of affordable housing (up to 9 units), together with requisite standards and eligibility criteria.

Impact on adjoining residential amenity

- 6.20 There will be an indirect impact on the nearest property, Steps Cottage, as regards use of the new access road serving this site. However, this is not considered such that the amenity of future residents will be adversely impacted upon. The impact of new dwellings on this property will need to be assessed at the detailed or reserved matters stage. Therefore, the proposal will accord with the provisions of Policy SD1 of Herefordshire Local Plan - Core Strategy .

Ecology

- 6.21 The Council’s Ecologist requests that details for enhancement of biodiversity be provided before commencement of works on site, otherwise no matters of concern are raised to an area of predominantly grazing land.

Summary and Conclusions

- 6.22 The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.23 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site is mostly inside what was previously defined as the settlement boundary, notwithstanding the new settlement boundary will only be defined on adoption of the Neighbourhood Plan. Policy RA2 in the Core Strategy states that *in the period leading up to definition of appropriate settlement boundaries the Council will assess applications against their relationship to the main built form of the settlement*. Therefore, given the context of the site and relationship to existing residential areas it is concluded that the proposal accords with this policy requirement. This is in part a SHLAA minor constraints site in what is, having regard to the NPPF, a sustainable location with good access to a wide variety of services and facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable transport).
- 6.24 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the

economic role. Likewise Section 106 contributions should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 40% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. Beyond this, the application also makes provision for contributions to improved recreation, which will be dedicated to the Parish Council. Monies will also secure improvements for cycle way provision. In broader terms it is considered that this is an appropriate site that can provide the scale of housing proposed and associated community benefits.

- 6.25 The tension, in this case, relates to the environmental role. Whilst it is acknowledged that the site is an elevated one that projects beyond the northern boundary to Chestnut Avenue, this will not given the context of the site i.e a extensive boundary of trees and its relationship to existing residential sites result in a development that projects detrimentally into open countryside. The site will be low density and there are opportunities for planting that also assist in ameliorating the impact of providing a mixed development for this settlement.
- 6.26 Additional traffic will join the A4112, however, this road is capable of taking the increased traffic volumes without having an adverse impact on highway safety
- 6.27 Foul and surface water drainage can be provided, as confirmed by the Land Drainage Consultant and the highways department, that will not result in pollution of watercourses or flooding subject to measures being undertaken as recommended and as subject to conditions attached to any planning approval granted. Drainage details will be subject to the approval of the Council's Land Drainage Officer and Transportation Manager.
- 6.28 Ecological issues can be addressed by submission of a habitat enhancement scheme that will provide measures for improving biodiversity in and around the development site.
- 6.29 Officers conclude that there are no overriding landscape, highways, drainage, recreation and ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report and appended, officers named in the Scheme of Delegation to Officers are authorised to grant [outline] planning permission, subject to the conditions below and any other further conditions considered necessary

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. B01 Development in accordance with the approved plans**
- 5. G03 Retention of existing trees/hedgerows**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G09 Details of Boundary treatments**

Further information on the subject of this report is available from Mr A Prior on 01432 261932

8. G10 Landscaping scheme
9. G11 Landscaping scheme - implementation
10. H13 (Access, turning and parking)
11. H27 (Parking for site operatives)
12. E01 Site investigation - archaeology
13. The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies SS6, LD2 and LD3 of Herefordshire Local Plan –Core Strategy

To comply with Herefordshire Council's Policy LD2 and LD3 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

14. I20 Scheme of surface water drainage
15. I21 Scheme of surface water regulation
16. I18 Scheme of foul drainage disposal
17. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

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. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
2. The following information should be provided in connection with Conditions 14, 15 and 16 above:

Soil infiltration rates to confirm whether the infiltration techniques are feasible for both surface water and foul water discharges;

Groundwater levels if infiltration techniques are found to be feasible on site, as the bottom of a soakaway should be located a minimum of 1m above the recorded groundwater levels;

Detailed surface water drainage design including SUDS source control measures wherever feasible and drainage calculations. The Applicant must provide evidence that the proposed drainage system will not increase risk of flooding to people and properties within and outside of the site for up to and including the 1 in 100 year event with 30% climate change allowance. The Applicant must also provide information on exceedance routes to ensure no increased flood risk to people and properties elsewhere;

- Detailed foul water drainage design;
- Confirmation of who will be responsible for the maintenance of the proposed package treatment plant and common attenuation storage;
- Confirmation from DCWW that they have agreed to the adoption and maintenance of the surface water drainage system

As discussed above, the Applicant will also need to obtain approval of the Council regarding the proposed combined sewer located within the public highway and ordinary watercourse consent for the new outfall to the watercourse south of the site.

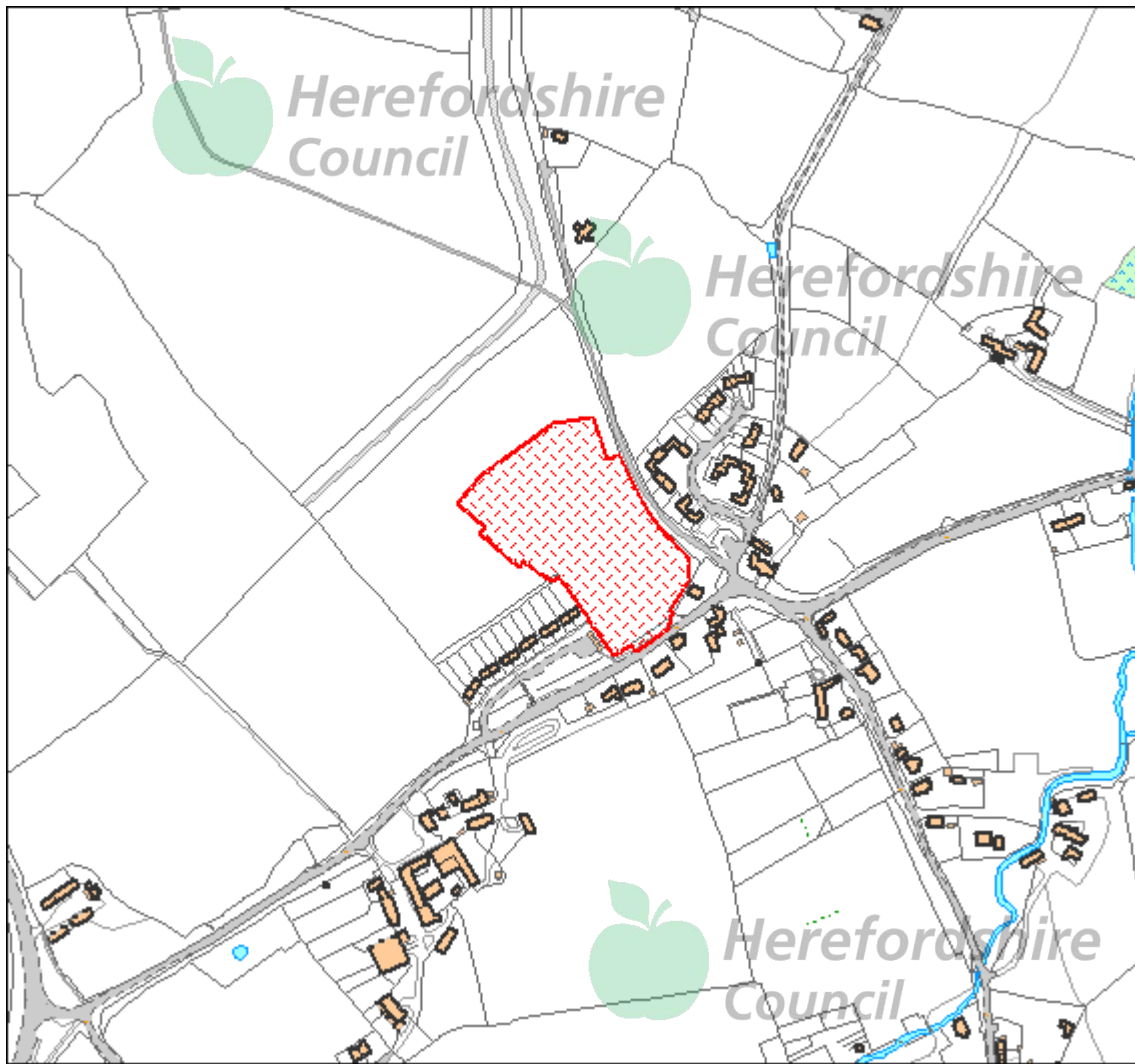
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 151145

SITE ADDRESS : FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr A Prior on 01432 261932