

2.3 National Planning Policy Framework

Chapter 6 - Building a strong, competitive economy

Chapter 15 - Conserving and enhancing the natural environment

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

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/info/200185/local_plan/137/adopted_core_strategy

3. **Planning History**

- 3.1 132953 - Creation of new agricultural access to land at Brook House Bungalow off A4112 - Approved 19th May 2014.

4. **Consultation Summary**

Internal Council Consultations

4.1 Transportation Manager

It is noted that this application is a resubmission of a lapsed permission number 132953. The proposal is to create a new agricultural access to assist in managing the vehicle movements along the existing access. When considering this application, the arrangement of the access proposed is a key detail. The proposal includes a 10m set back on the gates as set out on the access detail drawing. This creates an off-road waiting area while the inward opening gates are operated.

The access specification is considered acceptable and in the event that permission is granted separate permission from the local highway authority will be required to connect the access to the public highway.

The proposed access visibility has been previously assessed as appropriate by the local highway authority and is considered acceptable in the environment that the site is located within. The details of the visibility splay should be secured by condition CAB at dimensions of 2.4m x 80m in each direction.

- 4.2 No highways objections to the proposal, subject to the recommended condition being applied
Land Drainage Engineer

The proposed access does not feature any measures to intercept surface water runoff that would drain onto the highway.

5. Representations

5.1 Kimbolton and Hamnish Parish Council:

The parish council has concerns that the application for a new agricultural access off the A4112 will increase the risk to traffic, pedestrians and flooding in the vicinity. The section of the A4112 that the proposed access is on, is a narrow section in Kimbolton village with a footpath running on the opposite side of the road. When a HGV or tractor pass this narrow section of the A4112, they usually have to straddle the white lines in the middle of the road and it does cause issues for oncoming traffic. The addition of a new access would increase the risks at this point of the road and the potential risk to any pedestrians on the footpath opposite as well.

Below the proposed access the houses are at risk of flooding. A new access without proper mitigation could increase the risk to these properties. The applicant has not provided any mitigation to alleviate the increased risk. Any potential surface water run off should be assessed, and sufficient measures taken to prevent further pressure on the lowest lying neighbouring properties during heavy rain fall periods. It may be an opportunity to look at diverting some of the existing drainage across the field south of Old Chapel House, Chapel Brook Cottage, 1&2 New Road.

The applicant has stated that the need for a new access to the field is due to the existing field access being shared with residential properties and a now unused haulage yard and these uses being in conflict with each other. In the view of Kimbolton and Hamnish Parish Council this is not a unique issue for an agricultural access and does not warrant the need for a new access that creates greater risks on the main road than those the applicant states will be mitigated at the existing access.

5.2 14 letters of objections have been received, some residents having written twice and one letter having 29 signatories has been submitted, that raise the following concerns: -

- the existing access to the field is adequate, safer, and more suitable
- will be dangerous being onto a busy A road
- the previous haulage yard has now closed, so there is no conflict between vehicles and livestock
- no drainage detail is provided and run off onto the road could cause flooding to existing properties
- the traffic surveys submitted was carried out at inappropriate time and location
- the required visibility splays will result in the loss of the existing hedgerow with damage to nature and biodiversity
- the new access could result in potential for housing development
- potential damage to the existing water main
- the field has not been used for agriculture for a long time
- the change to the character of the village would be contrary to the neighbourhood development plan which seeks to retain rural character landscape and tranquillity

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=214297&search-term=214297

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

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Kimbolton Neighbourhood Development Plan (KNDP).
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.
- 6.4 The main issues are the principle, the impact in the landscape and highway safety issues. Therefore, the proposal needs to be determined in accordance with Policies RA6, SS4, MT1 and LD1 of the Local Plan Core Strategy together with KNDP and the provisions of the National Planning Policy Framework.
- 6.5 It should be noted that the principle of creating an access has been previously established. The proposal is the same as that previously approved in 2014. Whilst this permission was never implemented, the key consideration is whether there is anything materially different now that might lead the local planning authority to come to a different conclusion.
- 6.6 A new policy framework is in place since the determination of the previous application. The Core Strategy was adopted in October 2015, replacing the Herefordshire Unitary Development Plan which would have formed the Development Plan at that time. Furthermore, and more recent than the Core Strategy, a NDP has also been made for Kimbolton. Therefore the policy framework for the determination of this application is different to that for the determination of the originally approved scheme.
- 6.7 The existing field is used as pasture in connection with adjacent agricultural land to the south which is accessed through a haulage yard that is now closed, although it was operational at the time of the previous application. At that time conflict between the haulage business and agricultural enterprise was recognised and the provision of a separate access considered to be reasonable and substantiated. No change of use of the land is proposed. The previous planning permission remains a material consideration and, despite the slightly different circumstances regarding the haulage yard, the general principle of a new access remains to be acceptable and is in accordance with CS Policy RA6 and KNDP Policy K18.
- 6.8 The proposed access is acceptable in highway safety terms, both in terms of its location and construction details. The highway engineer has no objections, subject to a condition securing the splay and as such the proposal is in accordance with CS Policies SS4 and MT1, KNDP Policy K15 and the NPPF. The comment regarding the interception of surface water runoff made by the Land Drainage Engineer can be dealt with by condition and is covered by condition 3 of the recommendation below. Although there will be the loss of a length of hedgerow the replacement planting with a mix of native species will ensure the impact on the landscape and surrounding countryside is acceptable in accordance with CS Policy LD1 and KNDP Policy K10.

- 6.9 The proposal will provide a new access to an existing agricultural field which the applicant considers to be preferable to the existing arrangements. Representations from the Parish Council and neighbours are noted but other than the haulage yard having closed, with regard to the relevant planning considerations, the situation at the site remains as it was at the time of the previous permission. The layout is acceptable and subject to appropriate conditions is recommended for approval. The loss of the section of hedgerow will be satisfactorily mitigated by the proposed replanting.
- 6.10 Overall, the proposal is considered to be acceptable, accords with the Development Plan and is therefore recommended for approval.

RECOMMENDATION

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

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans**
- 3. The access hereby approved shall not be brought into use until it has been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved details (Drawing 01 – Details of Agricultural Access).**

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 Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15.

- 4. 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 application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 80 metres 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 Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15.

- 5. Any new access gates/doors shall be set back 10 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 Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15 and the National Planning Policy Framework.

- 6. The access shall only be used for agricultural purposes and for no other purpose whatsoever.**

Reason: In the interests of highway safety and to conform with the requirements of Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15.

- 7. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall take place until a scheme of hedge planting has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall prescribe that at least 5 species of native woody shrubs shall be planted within each hedge and it shall include details of the species, sizes and density of planting.**

All hedge planting shall be carried out in accordance with the approved details and planted in the first planting season following removal of the existing hedgerow. The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenity of the area and to comply with Herefordshire Local Plan – Core Strategy Policy LD1, Kimbolton Neighbourhood Development Plan Policy K10 and the National Planning Policy Framework.

INFORMATIVES:

- 1. Application Approved Without Amendment**

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, including any representations that have been received. 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.

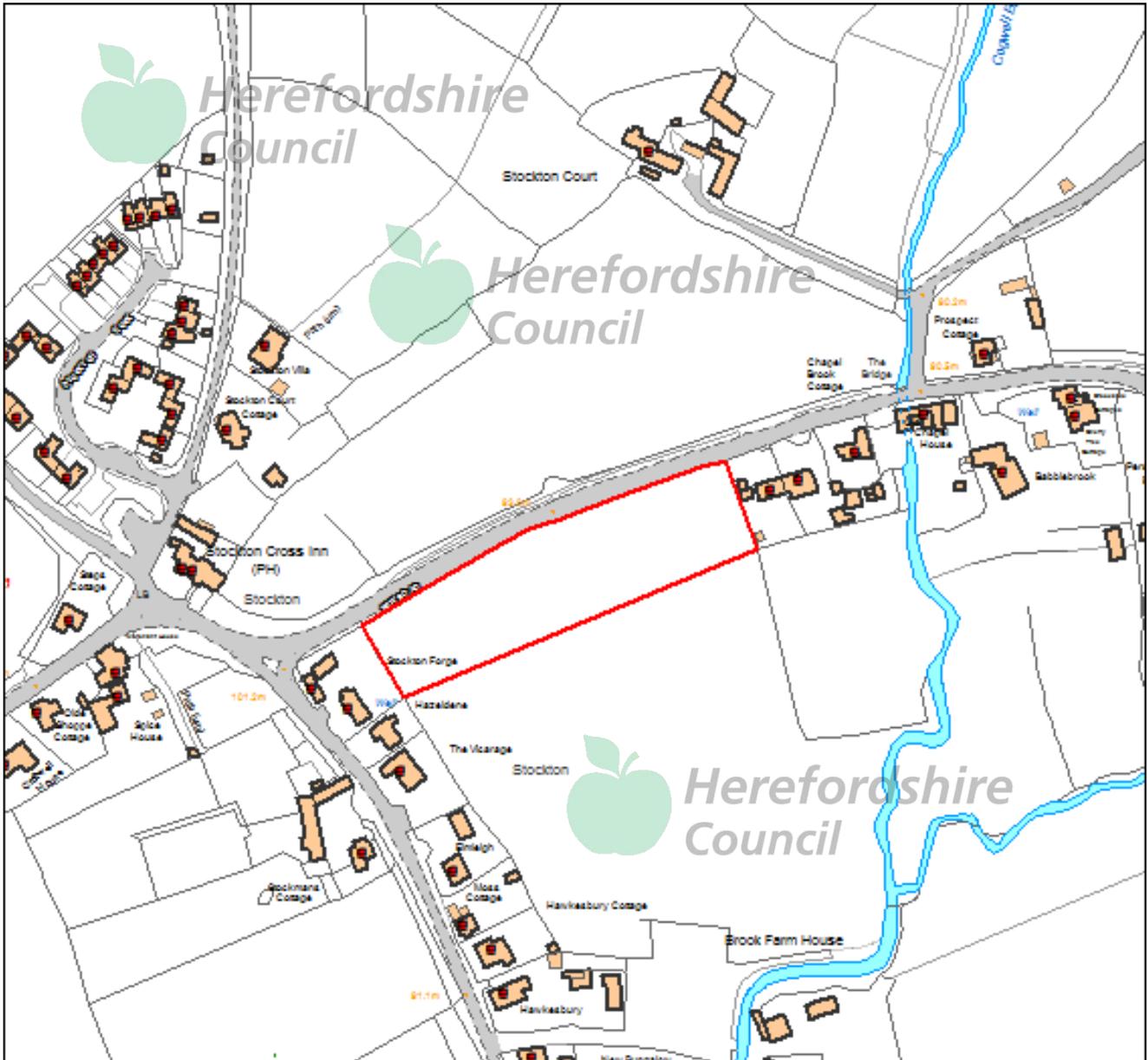
- 2. Works within the highway**
- 3. Highways Design Guide and Specification**

Decision:

Notes:

Background Papers

None.



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

APPLICATION NO: 214297

SITE ADDRESS : BROOK HOUSE BUNGALOW, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE, HR6 0EJ

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