

DELEGATED DECISION REPORT

APPLICATION NUMBER

151741

Land adjacent Old Chapel House, New Road, Kimbolton, Herefordshire, HR6 0HF

CASE OFFICER: Mr A Prior

DATE OF SITE VISIT: 16 June 2015

Relevant Development Plan Policies: HUDP ; S2, DR1, DR2, DR3, H13,
Herefordshire Local Plan – Core Strategy
NPPF

Relevant Site History: NC2003/1130/F – Conversion of garage and single-storey extension to form ancillary accommodation – Approved 3 June 2003

DCH930016/F – (93/0540/N) – Erection of detached dwelling and garage – Refused 5 October 1993 – Dismissed on Appeal 25 May 1994

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	Y		Y		
Transportation Hyder	Y Y	Y	Y		
Site Notice	Y	Y			
Local Member	Y		Y		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The proposal site is on the southern side of the A4112 as it winds through Kimbolton , this stretch of the road has a 30 mph speed limit . The site comprises part of the garden area to a detached property with granny annexe. There are a line of saplings along the roadside supplemented by hedgerow.

This is an outline application with all matters reserved. The application was accompanied by a Flood Risk Assessment given the possibility of low level flood risk from particularly surface water and given the proximity of the Cogwell Brook on the eastern boundary of the site. The

site is within Flood Zone 2 and the most at risk area is along the eastern boundary, however the remaining area of the proposal site is at low risk or indeed very low risk from flooding. Photographs submitted show that the applicant's property on the eastern side of the Cogwell Brook was partially flooded from water entering the site via the existing driveway off the A4112 road, but that the application site was not. The FRA proposes measures for mitigation include the creation of a berm along the driveway that would have the effect of gently directing surface water on the class I road into existing culverts, it is also proposed to set the finished floor 600mm above the 1:100 year with climate change design flood on Cogwell Brook, calculated at 89.789m AOD and therefore the finished floor level shall be at least 90.389m AOD. It is also proposed erecting a base wall with a 'London' fence along the eastern boundary shared with Cogwell Brook. It is also proposed to deepen ditches along the western and southern boundaries of the proposal site, use permeable paving and direct run-off from the roof to soakaway.

Representations:

Parish Council has no objections

Traffic Manager has not responded

Hyder notes that no connection is anticipated to be made to any mains sewer.

Ward Member has no objections in principle

Pre-application discussion:

None

Constraints:

Flood Zones 2 & 3 adjoining

Appraisal:

The main issues relate to the principle of erecting a dwelling in the garden area of this property and the mitigation for flood risk. Therefore, the proposal needs to be determined in accordance with Policies S2, DR1, DR3, H13 of the Herefordshire Unitary Development Plan (HUDP) together with the provisions of the National Planning Policy Framework (NPPF)

This site was the subject of an earlier refusal for a single dwelling that was subsequently the subject of a dismissed appeal. This was at a time when the settlement was defined by boundaries and this proposal site, at that time, fell outside any defined settlement. The current circumstances have altered materially such that given the shortfall in the housing land supply the authority needs to consider adjoining or close to settlement boundaries that constitute sustainable development and are otherwise satisfactorily located such that a safe access can be provided. It should be noted that the grounds for refusal over 20 years ago, as confirmed on appeal, did not relate to highway safety.

The site is wholly within Flood Zone 2 , the worst affects area being on along the eastern fringe of the site . It is evident from the mapping past flooding including one in 2007, that this part of the property was relatively untouched as compared to the surface water run off into the courtyard of the applicant's property. The proposal site could become more liable to flooding with the creation of the access on the western side of the property , however this can be mitigated by introducing a berm and ensuring that existing ditches around the property as proposed are deepened. Also, as part of the mitigation measures the slab level will need to be established as recommended in the FRA submitted and accordingly conditioned. These mitigation measures are such subject to confirmation of further details when the detailed or reserved matters application that the provisions of Policy DR7 of HUDP have been addressed.

This is a sustainable proposal that accords with the provisions of the HUDP, the Herefordshire Local Plan- Core Strategy and in turn the provisions of the National Planning Policy Framework.

RECOMMENDATION: **PERMIT** ☐ **REFUSE** ☐

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

(please note any variations to standard conditions)

1. C02
2. C03
3. C04
4. C05
5. CCL (1in 100 year flood level of above 89.789m above..
6. Measures for alleviating flood risk i.e control of surface water run –off, ditches , berms and London fences shall be submitted to and approved I writing by the local planning authority before development commences
Reason : as per Reason 5

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

AP

Signed:

..... Dated: ...27 July 2014

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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M. Icar

Signed:

. Dated: 28/7/15.....