

**Supplement to the agenda for**

# **Planning and regulatory committee**

**Wednesday 6 December 2017**

**10.00 am**

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,  
HR1 2HX**

**Schedule of Updates**

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# **PLANNING COMMITTEE**

**Date: 6 December 2017**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**172552 - PROPOSED TWO ADDITIONAL MOBILE HOMES, TWO TOURING CARAVANS AND THE CONSTRUCTION OF A DAY ROOM, ASSOCIATED HARD STANDING DRAINAGE AND RE - ALIGNED ACCESS TRACK. AT ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA**

**For: Mr Harry Smith, Ashgrove Croft, Marden, Hereford, Herefordshire, HR1 3HA**

Following a further representation, a decision has been taken to defer the determination of the item to enable the report to be updated.

**173692 - PROPOSED 5 NO. DWELLINGS WITH GARAGES AND TREATMENT PLANT AT LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER,**

**For: G & J Probert per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG**

### ADDITIONAL REPRESENTATIONS

Since the publication of the report the following comments have been received:

Question the judgement of impact in the absence of elevation showing proposed houses against church tower.

I question how this ridge height can be achieved given that the proposals are for two storey dwellings. You will be aware that the village hall is a single storey building. The field to the south is a little lower than the village hall. However as the applicant has not provided information on height of foundations, levels and height of dwellings, it is not reasonable to assert that the ridge heights of the proposed five dwellings will not exceed the ridge height of the village hall. The application does not show that it has restricted ridge height in this way.

Recommended condition 7 is a welcome recognition that it is necessary to control the height of the ridge line. The condition attempts to deal with the situation but it is clear that condition 7 is potentially incompatible with condition 2, for the following reason. This is a full application not an outline application, and the developer will have to comply with the application drawings (recommended condition 2), so there will be no opportunity to make adjustments of the buildings later to meet this necessary requirement regarding ridge height restriction. Accordingly this aspect needs to be thoroughly revisited prior to the Committee meeting to ensure that condition 7 is not, from its very inception, a sham condition incapable of fulfilment.

I may have further comments following the further response from highways (our emails yesterday refer). In the meantime I consider that there needs to be an additional condition to reduce traffic conflict in the vicinity of the village hall car park and adjoining public highway. Prior to commencement of development the current field access on the eastern boundary of the village hall car park needs to be permanently closed to prevent use by both construction

traffic and agricultural vehicles, whilst retaining and reopening the historic pedestrian access from this point (along the northern boundary of the field) to the river to the area known locally as the Beach. You will be aware that alternative agricultural access to the field is already available direct from the A4110, part way to Mortimers Cross. Further, there needs to be an additional condition that during construction the construction workers must not park work vehicles or personal vehicles on the village hall car park.

A condition in relation to noise attenuation measures is necessary, due to the proximity of the proposed development to the village hall.

As the parish council has pointed out in several objections, there is a fundamental conflict between this proposed development and the traffic calming scheme for the village, which is now awaiting only the conclusion of an agreement with Balfour Beatty.

The traffic calming scheme would include village gateway features to be installed at either end of the village and the removal of all road markings, including the roundels, and the painting of white lines on either side of the highway to make the road appear narrower.

This application would undermine the traffic calming scheme for the following reasons:

- 1) The requirement for a visibility splay would mean that the gateway to the south would have to be set back some 1.5 metres from its proposed location, losing the intended effect of making the road appear narrower.
- 2) The road would in fact appear wider over a distance of more than 160 m to the south because of the relocation of the hedge further back, the loss of several trees and the creation of the access and the splay.
- 3) The highways officer has recommended reinforcing the red roundels on the highway. The traffic calming scheme would include the removal of the roundels and their replacement with white lines to the edge of the highway.

The Police and Crime Commissioner for West Mercia visited Aymestrey and, recognising the detrimental impact of speeding traffic on the village, agreed a substantial financial contribution towards the traffic calming scheme. That funding should have been spent by November this year but, because of the delays caused by this planning application, the PCC agreed to extend the funding until March 2018. If this planning application is approved, the traffic calming scheme will not be implemented by that date and the money will have to be returned.

Breedon Group, which operates the quarry at Leinthall Earls, has also made a very substantial contribution to the traffic calming scheme. If this application is approved, the Parish Council will not be able to implement the agreed scheme and it is also unlikely the scheme could be delivered within an acceptable timeframe, bearing in mind that the applicant would have three years to commence the development.

Traffic calming is a major priority for the parish council. Some 80 percent of respondents in questionnaires for both the NDP and the Parish Plan identified speeding traffic through the village as the biggest problem in the parish. Average speeds through the village are well in excess of the 30 mph speed limit and this includes large numbers of HGVs serving the quarry.

Would you please also advise in any committee update that Aymestrey NDP is expected to enter Regulation 14 stage next month.

The NDP will over deliver on the 10 houses it now requires to meet its targets and defines a settlement boundary for Aymestrey village, which does not include the application site.

"The proposal requires visibility splays of 2.4m X distance and Y distance of 104m to the north and 160m to the south."

I would like to remind you that on a site visit carried out by Bruce Evans and the then planning officer with Parish Councillors in attendance, of which I was one, Mr Evans measured the site access splays and this clearly demonstrated that there was only a 70m splay achievable to the north well short of the required 104m. Nothing has changed since then the hedge, stone wall and telegraph pole both tucked into the hedge row are all still there and the development plans have not changed either. So I cannot see how a safe access can be achieved.

There is a further objection from Aymestrey Parish Council in respect of paragraphs 1.3 and 6.16 of the committee report and recommended condition 7.

These advise that the ridge heights of the new houses will not exceed those of the Village Hall.

Aymestrey Village Hall is 3.5m high to the ridge at its westernmost end and just under 3.7m high to the east. You can confirm this from the drawing submitted with planning application no. 111564.

The application plans (which must be complied with in accordance with recommended condition 2) show the proposed dwellings as 7m to 7.5m high, with chimneys taking their total height up to nearly 9m.

For the ridge heights not to exceed those of the Village Hall, the ground levels of the dwellings would have to be at least 4m below those of the Village Hall.

The agent advised in his email to you of 20th November that the application site is 1m below the road level. The longitudinal section provided by the applicant (Drawing 1447/SW/2A) shows the road level at the northern edge of the application site is 0.06m below the road level at the Village Hall, falling to 0.36m lower at the site entrance.

Thus to achieve condition 7, the site would have to be excavated to a depth well in excess of 3m. This will undoubtedly take the ground levels into the water table - bearing in mind the site is on the edge of the flood plain. The proposal would entail significant operational and engineering works, which have not been described or assessed as part of the planning application. The applicant would also need to explain how vehicles would reach the highway from this level.

#### Agent's response to levels

The levels on Tower Surveys drgs show the ridge height of the village hall at 110.66. They show the floor level at 106.05 which suggests to me a height of 4.61m and not 3.5m as she states. The road level at the entrance is 105.27 and our site below the village hall falls from 103.60 which is already over 7m below the ridge. The road is falling towards Mortimers Cross at 2.18m in 100m as is the site.

I have taken the levels on plots 1 2 &3 and these are. Plot1 102.98, Plot2 102.780 and Plot3 102.845

Plot1 is on a bit of a ridge and would need to be reduced by 200mm, 8 inches in old money. The other 2 plots would not need to be reduced at all.

#### **OFFICER COMMENTS**

The level of the site is at least 1.5 m lower than the village hall site and for the most part in excess of 2m lower. When comparing the level upon which the hall itself is sited and the locations of the plots, this is nearly 2.5m at least, and just over 3m at most.

Para 6.3 should read 5 committed, not 6

Para 6.16 should read dwellings not dwelling.

Condition 7 is not incompatible with condition 2 since slab levels are not currently indicated.

Condition 15 deals with site operative parking.

A condition requiring noise attenuation measures during construction would be unreasonable, though a working hours conditions could be imposed.

No weight can be attributed to the NDP even when it reaches Reg 14 stage in either Dec or Jan 2018.

The height of the village hall was checked manually on 4<sup>th</sup> December following the further comment of the parish council. The maximum height of the surveying measure is 3.9m. The rear of the building exceeded 4.9m, the front exceeded 3.9m. Photos illustrate this point.

Highway officer comments-

1) The requirement for a visibility splay would mean that the gateway to the south would have to be set back some 1.5 metres from its proposed location, losing the intended effect of making the road appear narrower.

The visibility splay will not require 1.5 clearance, the scheme will require about 800mm, the edge clearance for any feature will be 600mm, therefore the difference is minimal, setting back the hedgerow will enable the gate on the SE of the site to be larger and more effective. Currently there is minimal verge which prevents a significant feature on this side.

2) The road would in fact appear wider over a distance of more than 160 m to the south because of the relocation of the hedge further back, the loss of several trees and the creation of the access and the splay.

Moving the hedge will provide more verge area but will provide suitable visibility for the development and the village hall.

3) The highways officer has recommended reinforcing the red roundels on the highway. The traffic calming scheme would include the removal of the roundels and their replacement with white lines to the edge of the highway.

The condition is such that any works will complement Aymestry's scheme, if the PC final scheme is to remove the roundels then this can be accommodated, if not, the development will need to replace.

The development can be delivered post implementation of the Aymestry PC, the only change will be to incorporate the SE visibility splays which would not be significant. The splays to the south would also benefit the village hall.

In reviewing the comment of Mr Holland, he is correct, the visibility splay to the nearside verge to the North is 70m, but the achievable splay to the wheel track is 104m.

To secure the splay the conditions need to be amended to CAB 2.4m x distance, 160m to the South. CAC 2.4m to the Northern boundary, this will protect the visibility splay required.

Another condition as set out in the previous response is required though I have amended the S278 slightly to incorporate changes to any Gateway Features, The hedge boundary: the new centre for any hedge must be 1m behind the visibility splay and maintained as such.

The other conditions required are as set out in the response of the 22/11/17

CAE, CAH, CAL, CAP - S278 works to include revised scheme to accommodate the visibility splays and to incorporate the new verge, pedestrian crossing and relaying the 30mph roundels and any Gateway Features affected by the scheme and change to hedgerow / visibility splays.

CAS, CAT, CAZ, CB2.

Informatives: I05, I08, I09, I11, I35.

### **CHANGE TO RECOMMENDATION**

Add highway conditions CAC (H04) visibility over site frontage and CAM (H14) turning, parking, domestic

Add CBB (I07) hours restriction operation of plant /machinery/ equipment condition 8am-6pm mon – Friday 8-12noon sat , no time Sunday or bank holidays and any other conditions deemed necessary



# PLANNING COMMITTEE - 6 December 2017

## Public Speakers

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
7	Mr Harry Smith	Proposed two additional mobile homes, two touring caravans and the construction of a day room, associated hard standing drainage and re-aligned access track at Ashgrove Croft, Marden, Hereford, HR1 3HA	172522	29

Please note that the above item has been withdrawn from the agenda.

8	Mr Lewis	Proposed demolition of existing agricultural buildings and replacement with six dwellings with associated work space. Conversion of existing workshop to form single dwelling and associated works at <b>Land at Middle Common Piggery, Lower Maescoed, Herefordshire</b>	172704	71
<b>PARISH COUNCIL SUPPORTER</b>		<b>MR P MASON</b> (Vowchurch and Group Parish Council) <b>MR H LEWIS</b> (Applicant)		

9	G & J Probert	Proposed 5 no. dwellings with garages and treatment plant at <b>Land adjacent to Village Hall, Aymestrey, Leominster</b>	173692	83
<b>PARISH COUNCIL OBJECTOR</b>		<b>MR I GODDARD</b> (Aymestrey Parish Council) <b>MRS K JOHNSTON</b> (local resident)		

