

**Supplement to the agenda for**

# **Planning and regulatory committee**

**Tuesday 11 February 2020**

**10.00 am**

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

**Schedule of Updates**

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# **PLANNING AND REGULATORY COMMITTEE**

**Date: 11 February 2020**

## **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

**183792 - PROPOSED RESIDENTIAL DEVELOPMENT OF THREE DWELLINGS. AT LAND TO THE EAST OF BRAMBLE COTTAGE, ALLENSMORE VILLAGE ROAD, ALLENSMORE, HEREFORDSHIRE, HR2 9AG**

**For: Mr & Mrs Nahorniak per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH**

### ADDITIONAL REPRESENTATIONS

An additional representation has been received from two neighbouring occupants since the publication of the officer report. The full representation reads as follows:

*We have read your report to the planning committee dated 11th February 2020 recommending approval for the proposed three residential dwellings at land to the east of Bramble Cottage in Allensmore.*

*Having forwarded this report to our consultant he believes you are severely under-estimating the impact the development will have on Highway Safety and the points raised in our objection letter dated 20th January 2020 have not been thoroughly considered either by yourself or the county's Transport Manager.*

*The Consultant Engineer who prepared that report on our behalf is a Director of a Transport Consultancy based in the Midlands. He has an MSc in Transport Planning and Engineering and conducts work throughout the UK, including in Herefordshire and Shropshire so, understandably in our view, is reluctant to damage future work prospects and therefore does not wish to be identified. It should be clear to anyone however that the survey work and the report he prepared has been thoroughly and professionally completed.*

*He would like to make the key points in relation to the decision notice.*

1. *Visibility from the proposed access cannot be achieved in accordance with National Policy, Guidance from Manual for Streets 2 and the Council's local adopted standards. The access would need to achieve a visibility of 43m, to accord with achieving a 'safe' visibility. Whereby, it has been demonstrated that a maximum visibility of 21m to the south and 13m to the north can be achieved, providing a shortfall in excess of 20m in both directions. Even with a 1m running lane, which the council are suggesting is available, the required visibility cannot be achieved.*

*Measurements taken whilst on site to Manual for Streets standards, demonstrate that circa 25m to the north and 28m to the south can only be achieved with the addition of a 1m running lane. Given the lack of information presented by the client and applicant it is difficult to see why highways are so quick to accept intensification through a substandard access.*

*An intensification of the access point which is substandard and suffering from a chronic lack of suitable visibility will only be to the detriment of highway safety. The attitude and decision of The Local Highway office to simply outweigh the lack of a safe access point in favour of the development is not only extremely worrying but would be (if approved) in breach of the National Planning Policy Framework, whereby 'Safe and suitable access to the development cannot be achieved' (Para 108) and the 'development should be refused on highway grounds if there would be an unacceptable impact on highway safety' (Para 109).*

2. *Access into the proposed development site would remain private and therefore refuse collection vehicles will not enter the site in order to service the proposed dwellings. The distance between the village road and the proposed dwellings (85m) exceeds the required collect and drag distance of 30m and is therefore in breach of national Manual for Streets guidance and the maximum drag distances and specified in Council's guidance. Therefore, the proposed development cannot be serviced, yet another point which seems to have been glossed over in the report for committee.*

3. *The development is situated within an unsustainable location, with no dedicated provision for pedestrians and cyclists, limited and/or difficult access to public bus services and no services and facilities within the local area. The development would therefore be reliant on the private car and would be contrary to the National Planning Policy Framework where by sustainable developments should be promoted.*

4. *The access is only suitable for a single vehicle to use and therefore not suitable for two vehicles to pass. When, as inevitably would happen, two vehicles should meet, one vehicle will be required to reverse. This will increase the amount of vehicle reversing onto the local highway network, through an already substandard access. This would increase the likelihood of collisions and therefore have a detrimental impact on highway safety.*

*Given the above points made by a consultant engineer in transport planning, we do not see how this development can be recommended for approval given the weight of factual evidence which has been presented. We therefore urge that you take a second look at all the factors and recommend refusal of this application on grounds of its detrimental impact on highway safety.*

*We fail to see how a substandard access can safely accommodate an intensification of vehicle trips without having a detrimental impact on highway safety.*

## **OFFICER COMMENTS**

In light of the additional representation the following has been received from the Council's Transportation Manager:

1. Using the recorded speeds from the application site to the north of this site, the survey recorded speeds of 24.7 mph (northbound), and 23.9 mph (southbound) this equates to 30m and 29m, however it should be noted that the location of this site is near a bend and the road narrows before the bend, therefore the speed will be significantly lower than the recorded speeds. The submitted site plan shows that visibility splays of 38m northbound and 36m southbound with a running lane can be achieved.

The NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The NPPF has not defined what severe is therefore there is no guidance in regards of this aspect. The development is for 3 dwellings, the increase in movements associated with this development would not be classed as severe, as it would not significantly increase the vehicle movements at peak times.

Manual for Streets 2 states in point 10.5.9, "The y distance should be based on the recommended sight stopping distances, however based on research, unless there is local evidence to the contrary, a reduction in visibility below recommended level will not necessarily lead to a significant problem".

Considering this in the context of what will be a 'shared private drive', the actual speeds of vehicles recorded at a nearby point and the alignment of the route there are insufficient grounds to build a highways objection to this site on the visibility point.

2. **Herefordshire Council Highways department commented:** - The development would be classed as a shared private drive, therefore this would not be adopted by Herefordshire Council. The site has provided a turning area at the end of the carriageway which meets HC

measurements, therefore it would be up to Herefordshire Council Waste department and the waste contractors where the residents present their bins.

**Herefordshire Council Waste department commented** - A turning head has been included, and the design and access statement specifies that the driveway will be highways standard construction. However, the council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;

and

The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;

And

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

If the road is not suitable for the RCV to travel, due to the length of the driveway a bin collection point would be provided 25 metres from the highway – this would reduce the carry distance for residents, however this would still remain over the 30m recommended distance based on the proposed layout.

The bins are currently present at the access to the two properties at the edge of the adopted highway.

3. There are a couple of PROW around Allensmore which connect to the National Cycle Network (Route 46) and whilst these may not reduce peak travel movements, they do provide an option for a reduction of private vehicle for recreational movements. Allensmore, like a lot of the rural highways network does not have dedicated footways and cycleways and it is not an uncommon site to see pedestrians and cyclists using the carriageway. The introduction of footways looks to urbanise rural areas and for many area this takes away from rural life.

The Herefordshire Council Core Strategy includes *Allensmore in Figure 4.15 under the title "Other Settlements where proportionate housing is appropriate, therefore previous assessment of the area have already been undertaken"*.

4. The site has been visited several times and has been visited at different times of the day. During the site visits to assess the highway, the impact of two way flows resulted in vehicles requiring to reverse to negotiate the oncoming traffic was included in the assessment and found that the proposed development and the existing movements using the highway would not bring the cumulative impact to the severe level as stipulated in the NPPF. Pedestrians and cyclists using the carriageway is not unusual sight in a rural setting and is typical for the character and usage of the highway in this area.

## **NO CHANGE TO RECOMMENDATION**

**184520 - REPLACE THE DEMOUNTABLE FLOOD DEFENCES WITH PERMANENT GLASS PANEL FLOOD WALLS AND FLOOD GATES. THIS AIMS TO REDUCE THE WHOLE LIFE COSTS OF THE DEFENCES AND REDUCE THE RISK OF FAILURE TO DEPLOY DURING FLOODING. THE NEW PASSIVE DEFENCES WILL BE LOCATED ENTIRELY ALONG THE WITHIN THE FOOTPRINT OF THE EXISTING DEFENCES, AND WILL BE DESIGNED TO FIT INTO THE EXISTING SUPPORTS; WHEN OPEN THE FLOODGATES WILL MAINTAIN CURRENT ACCESS ROUTES FOR PEDESTRIANS AND MAINTENANCE AT LAND AT GREYFRIARS BRIDGE, HEREFORD,**

**For: Mr Barker per Miss Eva Van Maren, Rightwell House, Bretton, Peterborough, PE38DW**

#### **ADDITIONAL REPRESENTATIONS**

A letter of support has been received from a resident of Riverside Court which in summary comments as follows:

- Some objectors are claiming algae will be a problem on the glass barrier. This is a non event. Algae is formed by an excess of nutrients and light. It is only an issue in an aquarium environment. The river water will rarely be in contact with the glass (only at times of potential flood), will be fast flowing and during winter months. There are no conditions that will cause algae to grow on the glass. Based on this objection no new building should pass a planning application if it contains glass for fear of algae on the glass
- Can't live in fear of being able to build new exciting structures in case a criminal element may damage them. I will admit there is some graffiti to one section of the wall in a tricky to reach place. But I would say glass is not going to be an attractive target for graffiti- it is not a good surface for paint to adhere to, it is easily cleaned, and the person causing the criminal damage is likely to be spotted. It is then a matter for the police. I am hoping that the Council's objection is not driven out of fear of paying for cleaning this structure. If the council cleaned up the graffiti already present it may discourage further activity. To further put this in perspective, graffiti and criminal damage in Hereford and this area is minimal. We even have a little field experiment to demonstrate this. Some time ago a large metal and glass map was erected on the pavement of the old bridge, just past the Left Bank. It has been in place a while. There is no graffiti, there is no damage, it is in the same condition as when it was erected, it has not become a magnet for criminal damage, graffiti or even algae (apparently it gets everywhere).
- objectors are calling the proposal an "eyesore". I am not sure what this is based on and such opinions on architecture are very subjective. If objectors were to take a look at the glass reinforcements at Upton Upon Severn, a small town plagued by flooding in the

past, they may realise that actually these structures can enhance upon the natural aesthetics of a place

- objectors are making the assumption that the Environment Agency are always going to get the existing temporary barriers up in time. No guarantee of this. One only needs to remember the repeated flooding of Bewdley to realise that the barriers may not actually be in place in time to prevent flooding. If someone is offering to build permanent barriers that protect my property from flooding, at no cost to myself, with no environmental impact or detriment to the area, then I say thank you very much and fully embrace and support the proposal.

A letter of objection has been received from the Leader of Herefordshire Council which is set out in full below:

The Leader of the Council supports Hereford City Council and residents in this matter and wishes an objection to the Environment Agency's application for permanent glass panels alongside the riverbank in this location to be considered.

The administration sees no reason why the demountable barriers need to be replaced by permanent glass panels which are inappropriate in this historic riverbank setting. The amenity of this setting and its unrestricted views of the historic core of the medieval City of Hereford, including the Bishop's Palace and the Cathedral would be significantly harmed by modern glass panels and the river 'disconnected' from the users of the footpath and Bishop's Meadow. There has further been inadequate consultation with the Hereford and District Angling Association who own the fishing rights and object to this application.

With the support of the Cabinet, the Cabinet Member with responsibility for flood defences and the public realm has asked for this application to be deferred whilst a discussion takes place to ascertain if a more satisfactory solution could be found, such as a service arrangement between Herefordshire Council and the EA, whereby the panels are stored locally and deployed by Herefordshire Council or its contractors on request from the Environment Agency. This has been refused. This is a most unsatisfactory response considering the need for statutory agencies and local authorities to work together. Such an arrangement would be more practical and efficient than current arrangements and considerably more cost effective than the proposal for permanent glass panels. The EA has already made it clear, I believe, that local partnership with HC or its contractors or a 'volunteer' would be needed in any case with regards to its proposed scheme before you today as a 'glass door' by the tennis courts will still need to be manually closed and locked during any flood alert. It is therefore entirely sensible that a similar arrangement could be entered into to deploy the existing temporary demountable panels locally, panels which are required no more than once or twice a year for a few days each time.

The Leader of the Council urges this Committee to defer or reject this application.

## **NO CHANGE TO RECOMMENDATION**



# PLANNING AND REGULATORY COMMITTEE

11 February 2020

## PUBLIC SPEAKERS

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr & Mrs Nahorniak  Per  Mr David Kirk	Proposed residential development of three dwellings at <b>Land to the east of Bramble Cottage, Allensmore Village Road, Allensmore, Herefordshire, HR2 9AG</b>	183792	<b>25</b>
<b>PARISH COUNCIL OBJECTOR</b>		<b>MR T CRAMP (Allensmore PC) MR T HANCOX (local resident)</b>		
7	Mr & Mrs Williams  Per  Mr Bryan Thomas	Application for approval of Reserved matters following Outline Approval 163364/0 (Site for 3 detached dwellings with garages and access at <b>Land South of Ladywell Lane, Kingsthorpe, Herefordshire</b>	191173	<b>47</b>
<b>SUPPORTER</b>		<b>MR B THOMAS (Applicant's agent)</b>		
8	Mr Whittal  per  Mr Ed Thomas	Site for poultry manager's dwelling at <b>Bowling Green Farm, Clehonger, Herefordshire, HR2 9SJ</b>	192969	<b>65</b>
<b>SUPPORTER</b>		<b>MRS J WHITTAL (Applicant)</b>		

9	Hampton Kirk Developments  Per  Mr David Kirk	Variation of Condition 2 of 171321/F (Propoed Residential Development of 2 New Dwellings) to allow revised drawings, with new access and drives and garages re=positioned at <b>Dev 1 land adjacent Brampton Abbots Village Hall, Brampton Abbots, Herefordshire, HR9 7JD</b>	193682	<b>83</b>
<b>PARISH COUNCIL OBJECTOR SUPPORTER</b>		<b>(Tbc) Brampton Abbots and Foy PC MR B MILLER-HALL (Local resident) MR P SMITH (On behalf of applicant)</b>		

10	Mr Barker  Per  Miss Eva Maren	Replace the demountable flood defences with permanent glass panel flood walls and flood gates. This aims to reduce the whole live costs of the defences and reduce the risk of failure to deploy during flooding. The passive defences will be located entirely along the footprint of the existing defences, and will be designed to fit into the existing supports. When open the floodgates will maintain current access routes for pedestrians and maintenance at <b>Land at Greyfriars Bridge, Hereford</b>	184520	<b>97</b>
<b>PARISH COUNCIL SUPPORTER</b>		<b>MR S KERRY (Hereford City Council) MR T WHITEHOUSE/MR C BARKER (Environment Agency applicant)</b>		