

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Tuesday 11 February 2020 at 10.00 am

Present: Councillor John Hardwick (chairperson)

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Barry Durkin, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Jeremy Milln, Roger Phillips, Paul Rone and David Summers

In attendance: Councillors Christy Bolderson and Kevin Tillet

83. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Millmore, Seldon, Stone and Watson.

84. NAMED SUBSTITUTES

Councillor Durkin substituted for Councillor Stone, Councillor Phillips for Councillor Millmore and Councillor Summers for Councillor Seldon.

85. DECLARATIONS OF INTEREST

Agenda item 8: 192969 – Bowling Green Farm, Clehonger

Councillor Hardwick declared an other declarable interest because he knew the applicant.

Agenda item 9: 193682 – Land Adjacent Brampton Abbots Village Hall

Councillors Durkin and Hardwick declared other declarable interests as council appointees to the Wye Valley AONB Joint Advisory Committee.

86. MINUTES

RESOLVED: That the minutes of the meeting held on 15 January 2020 be approved as a correct record and signed by the Chairman.

87. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson reported that agenda item 10: Land at Greyfriars Bridge, Hereford had been withdrawn from the agenda to allow further negotiations to take place.

He also reminded members of forthcoming planning training.

88. 183792 - LAND TO THE EAST OF BRAMBLE COTTAGE, ALLENSMORE VILLAGE ROAD, ALLENSMORE, HEREFORDSHIRE, HR2 9AG

(Proposed residential development of three dwellings.)

The Senior Planning Officer (SPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr T Cramp, of Allensmore Parish Council spoke in opposition to the scheme. Mr T Hancox, a local resident, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor Bolderson, spoke on the application.

She made the following principal comments:

- There had been 32 letters of objection and one letter of objection from the Allensmore Residents Group containing a further 13 signatures. The Parish Council had also objected to the application urging that it be rejected to safeguard the amenity, character and local landscape of the village and the road safety of local residents.
- The application was at odds with every relevant planning policy in the Allensmore Neighbourhood Development Plan (NDP). The NDP was a material consideration in determining the application.
- The application also contravened several policies within the Core Strategy. She outlined each policy in turn to demonstrate the cumulative demonstrable harm.
- NDP Policy A1 – and Core Strategy Policy RA2: The application was not in keeping with the local built character and the linear nature of the village. Policy RA2 recognised and valued the character and uniqueness of small settlements across the county and sought to ensure this was protected.
- NDP Policy A2 – & Core Strategy Policy LD2: priority for new development should be to avoid harmful impact on biodiversity. The Hereford Wildlife Trust had identified a pond 300m away with Great Crested Newts. This did not appear to be considered in the ecological assessment and therefore it may not be compliant with Core Strategy Policy LD2 in relation to biodiversity
- The application was contrary to policy A2. The drainage arrangements were not in accordance with the Binding Rules as treated effluent would be going to a dry ditch. The drainage consultant had stated that if the current proposals were implemented there was a likelihood of pollution on third party land.
- NDP Policy A3 – The site was outside the planning envelope and had been rejected by the independent assessors AECOM, due to its harm to the character of the settlement. Allensmore had already significantly exceeded the minimum 14% target growth of 32 new dwellings, 41 having been built or approved. On its own this was not a reason for refusal provided the application was acceptable in all other regards, which it was not. There were further site allocations within the Allensmore NDP. Further housing growth could be achieved without the significant harm that the application would cause.
- NDP Policy A4 –The application was not within the settlement boundary, not of single depth, and not a brownfield site. An independent report demonstrated that there was not a suitable and safe access.

- NDP Policy A5 – The application did not demonstrate how it helped to maintain a suitable mix of tenure, type and size of dwelling in Allensmore. It was also questioned how the drainage strategy could be properly assessed if the size and consequent load of the properties was unknown.
- NDP Policy A7 –& Core Strategy Policy SD3 & SD4: With no mains drainage and high-water tables, the ground was known to drain very poorly across the parish. The drainage solution was not compliant with the Binding Rules, there was likelihood of pollution and heightened risk of flooding elsewhere as identified by the drainage consultant. Although the applicant claimed that the current arrangements were not technically illegal, at least 3 recommendations from the drainage consultant did not appear to have been acted on: the discouragement of pumped systems because residents would suffer from localised flooding or backed up drains whenever the pumps break down or the power fails; the Introduction and realignment of a reed bed so that it was less likely that effluent would bypass into the dry ditch and clarification as to the adoption and maintenance of the proposed drainage systems.
- MT1 - In relation to highway safety, it was considered that the development was not designed and laid out to achieve safe entrance and exit. An independent traffic consultant employed by local residents stated that visibility from the proposed access could not be achieved in accordance with National Policy, Guidance from Manual for Streets 2 and the Council's local adopted standards if measurements were from a point set back by 2 meters per the guidelines.

The Council's visibility splays were not taken from a point set back by 2 meters, but had a 1m running lane. Even with a 1m running lane, the Council's Transportation Manager indicated in the schedule of updates that there was a reduction in visibility below recommended levels.

Residents believed that a 1m running lane was not achievable at the access point to the site and the required visibility splays could not be achieved without access to third party land.

The Council's Strategic Housing Land Availability Assessment in March 2019 concurred with the conclusions of the independent traffic consultant as it identified this site as low potential with major access issues due to the need for third party land to achieve a suitable access.

In relation to promoting active travel, the development was situated within an unsustainable location, with limited access to public bus services. There were no services and facilities within the local area. The development would therefore be reliant on the private car contrary to the National Planning Policy Framework.

- Due to the length of the private road, the site would be in breach of national Manual for Streets guidance and the maximum drag distances for refuse collection which was confirmed in the schedule of updates. This would be particularly harmful for any disabled residents.
- In conclusion she stated that although the Council was unable to demonstrate a 5 year land supply and there was a presumption in favour of sustainable development it was considered that the cumulative adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- Local residents urged the Committee to reject the application with the aim of safeguarding the amenity, character and local landscape of the village and the road safety of local residents. This was on the grounds that the application was contrary to NDP Policies A1, A2, A3, A4, A5 and A7 together with Core Strategy Policies RA2, LD2, SD3, SD4 and MT1.

In the Committee's discussion of the application the following principal points were made:

- Allensmore was a linear development and the protection of this character, avoiding double depth development, was supported by the NDP. The NDP was at examination stage and attracted moderate weight. NDPs deserved appropriate consideration.
- Recent extreme weather conditions had reinforced the importance of satisfactory drainage arrangements. It was noted that there had been several attempts to find a drainage solution. The Land Drainage Consultant maintained his objection to the proposals. Whilst a proposed condition required a permit to be obtained from the Environment Agency prior to any development, and planning permission could be granted subject to that condition, there was concern that this was not a sufficiently robust solution.
- There was concern about the access to the site. It was remarked that there was limited visibility to the right when exiting the site. It was noted that reference had been made to an independent report produced by a consultant engineer objecting to the application on highway grounds. However, it was suggested as the author declined to sign it this could not be given weight.
- The Team Leader Area Engineer explained how the technical assessment had been carried out. In the context of the character and usage of the road network and the relatively minor intensification of use the proposal entailed it had been concluded that the access was acceptable. The effect was not severe enough to warrant an objection given the relatively high threshold for objections set out within the National Planning Policy Framework (NPPF).
- There was support for the grounds for refusal advanced by the local ward member.
- The Parish Council objected to the proposal.

The Development Manager confirmed that moderate weight could be given to the NDP. In terms of drainage the committee had been advised of the regimes that applied to granting approval for a drainage solution. The view was that there was a technical solution. Whilst the land drainage consultant did not consider a compliant proposal had so far been advanced it was possible that the Environment Agency, as the responsible body, could grant a permit if a solution satisfactory to it were to be forthcoming. That would have to be provided before any development commenced on site. There was therefore some caution about refusing the application on drainage grounds. Similarly, there had not been an objection from the Transportation Manager and there was also caution about proposing refusal on that ground. The independent report objecting on highways grounds submitted by objectors was unsigned and could therefore only be given limited weight.

The local ward member was given the opportunity to close the debate. She reiterated the strength of local opposition to the proposal and the extent to which it was considered to be contrary to NDP and Core Strategy policies. The cumulative adverse impact of granting permission would significantly and demonstrably outweigh the benefits.

Councillor Phillips proposed and Councillor Foxton seconded a motion that the application be refused on the grounds that it was contrary to Core Strategy policies RA2, LD1, LD2, SD3, SD4 and MT1 and Neighbourhood Development Plan policies A1, A2, A3, A4, A5, and A7. The motion was carried with 13 votes in favour, none against and 1 abstention.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee on the grounds that the proposal

was contrary to Core Strategy policies RA2, LD1, LD2, SD3, SD4 and MT1 and Neighbourhood Development Plan policies A1, A2, A3, A4, A5, and A7.

(The meeting adjourned between 10.55 am and 11.10am.)

89. 191173 - LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORDSHIRE.

(Application for approval of reserved matters following outline approval 163364/O (site for 3 detached dwellings with garages and access).

(Councillor Fagan fulfilled the role of local ward member and accordingly had no vote on this application.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr B Thomas, the applicant's agent, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Fagan, spoke on the application.

She made the following principal comments:

- There had been strong local opposition to the outline application granted by the Committee in April 2017.
- Unfortunately neither the Parish Council nor an objector had been able to attend the meeting to speak on the reserved matters application.
- The Parish Council had submitted a detailed and considered response objecting to the reserved matters application. They had commented that the reserved matters application did not observe the spirit of the outline permission.
- The proposal was for 3x4 bed dwellings. This was in conflict with the Neighbourhood Development Plan (NDP). Within the Ross Housing Market Area the most required size was 3 bedrooms followed by 2. Residents were objecting to the scale of the application.
- She referenced some letters from local residents. These highlighted concerns about:
 - Scale: low rise, well-spaced, dormer cottage style 3-bedroom houses had initially been proposed. The current proposal was for 3 large two storey houses with double detached garages. Because of the sloping topography of the site the first floor levels of the properties would be the same height as the eaves of the bungalows opposite the site. The ridge height was 7m. The increased scale could have a greater impact on the environment than had been predicted.
 - Design: the houses were of urban design and not in keeping with the area. They would be intrusive and screening would be ineffective.
 - The dwellings would be overlooked by most of the village.
 - The hedgerow to the fore of the site would be at the first floor level of the properties making the development overbearing.
 - Most of the ancient hedgerow would be removed to provide the three driveways.
 - Drainage – several concerns remained over drainage issues. It was noted, however, that this issue had been discussed at the outline application stage.

- Traffic – concerns similarly remained over highway issues.
- Working hours – the outline permission had permitted construction work between 7am-6pm Monday to Friday. 8am-1pm Saturday. This would have an unacceptable impact on residents.
- The National Design Guide 2019 supported paragraph 130 of the National Planning Policy Framework (NPPF) which stated that, “permission should be refused for development of poor design that failed to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Referring to the three objectives of sustainable development, economic, social and environmental she commented that the proposal was contrary to both the social and environmental objectives.
- The proposal was contrary to policy LD1. The height, scale and massing of buildings was out of keeping with the spirit of the outline planning application and the identity of that part of Kingsthorne.
- The application appeared to be driven solely by the economic objectives and did not take account of the social and environmental objectives and the views of the local community.
- The houses did not integrate with or relate well to the surroundings because of the topography and the ground conditions.
- The nature of the landscape posed problems for drainage and this meant that the ridge height had had to be elevated. The height of the first floor would be equal to the ridge height of the nearest neighbour. If the proposed dwellings took proper consideration of their surroundings they would be of a smaller scale and footprint and consequently have less of a negative impact.
- She questioned whether the development met the requirements of policy RA2, providing the size, type, tenure and range of housing to reflect local demand.
- She also questioned whether the proposal complied with policies SS6, LD1 and SS1.
- There were policies to protect the identity of a villagescape from development that was out of scale and context.

The Chairperson emphasised that the application before the committee was a reserved matters application. The question of drainage had been addressed as part of the outline permission. Working hours if the development proceeded had also been conditioned as part of the outline application.

In the Committee’s discussion of the application the following principal points were made:

- The development was sustainable providing family homes. There was a good bus service and the junior school was a short walk away.
- The local reservations about the scale of the properties were recognised.
- The builder had recently delivered a scheme in Pembridge that had been sensitive to the requirements of the NDP.
- Much Birch like other settlements benefitted from an assortment of house styles.
- The developer had reduced the ridge height as requested.

- The 3 double garages at the front of the properties would be dominant, compromising the design of the development. Despite the available bus service the development would be car centred.

The Development Manager reiterated that the application was a reserved matters application. The principle of development had been established. The application form had suggested that four bedroomed properties would be proposed. In terms of complying with the spirit of the outline permission negotiations had taken place to reduce the ridge height to 7m, which was realistically the minimum height for a two storey dwelling. The dwellings were of a cottage style. The development was in keeping in terms of scale and design with the local vernacular.

The local ward member was given the opportunity to close the debate. Noting that the Committee appeared minded to approve the application she requested that consideration be given to rainwater harvesting on the houses and garages, the provision of a hedgehog corridor, and revisiting the working hours for construction amending them to 8am to 6pm on weekdays.

Councillor Rone proposed and Councillor Johnson seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, none against and one abstention.

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

1. **C07 - Development in accordance with approved plans and materials**

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **For the avoidance of doubt, conditions 1, 2, 5, 7, 8 and 18 on outline permission ref: 163664 are all matters of compliance. This reserved matters application approves the details under conditions 6, 9, 10, 11, 12, 13, 14, 15, 16 and 17.**

(The meeting adjourned between 11.45 am and 11.52 am.)

90. 192969 - BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE, HR2 9SJ

(Site for poultry manager's dwelling.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs J Whittal, the applicant, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Bolderson, spoke on the application.

She made the following principal comments:

- When the poultry units had been approved there had been over 100 objections, together with objections from local parish councils. In contrast, the application for the poultry managers dwelling had attracted 23 letters of support, from residents, Allensmore Parish Council and Clehonger Parish Council, veterinary professionals and other experts.
- It was relatively uncommon to see poultry units of this scale without a manager's dwelling. This was due to the type of operation, their size, the need for security and management of animal welfare. Both the Madley and Kingstone poultry units had manager homes on site and they were just as close, if not closer to available housing stock.
- There had been no objections from consultees.
- The officer's report outlined that in relation to Policy RA3 and RA4 of the Core Strategy there was considered to be a functional need for there to be somebody based close to the site; it was clear that the proposed dwelling was for a full-time employee based on the scale of the investment and enterprise, establishment and viability requirements were proven; and the functional need could not be fulfilled by another existing dwelling on the unit. The only question for the Committee therefore to consider was over whether a manager needed to reside on the site itself
- She gave two examples where the Committee had recently agreed that there was an essential need for workers to live on site. She noted that there had been other applications for managers dwellings that had been approved by officers under delegated authority.
- The applicants had always envisaged providing the manager with a dwelling on site, believing this to be by far the best means of ensuring animal welfare and site security. They considered there was an essential need for the manager to be housed on site for the following reasons: to comply with the Defra code on chicken welfare – when alarms go off or there are system failures, it often needs an immediate response. The difference in minutes when responding to alarms at different times of the rearing cycle, can make a massive difference on livestock welfare; managers living on site are able to monitor smell and noise more closely and potentially detect and resolve issues before alarms are triggered improving the overall welfare of the birds; access roads to the farm had been affected and at times closed during recent flooding events and past snow falls. A manager living in a dwelling in Clehonger, as suggested by the agricultural business consultant, would have to contend with these issues. Minutes lost in such an event could have a significant impact on the welfare and even life of the flock; the applicant had had numerous security issues on site. A manager was needed on site to ensure security and bio-security; and it would eliminate driving backwards and forwards to alarms which could go off 2, 3 or even more times during the night. It was unsustainable to require this level of commitment from the manager.
- The Applicant was willing to accept the normal recommended conditions applied to such applications such as an agricultural tie. In addition, the development would benefit from sustainability measures such as ground source heat pumps and solar panels.
- The application would benefit the chickens, the farm as a whole and the broader community.
- The application caused no landscape, ecological, drainage or highway harm. The only issue at dispute was whether the agreed functional need had to be met on site.

In the Committee's discussion of the application there was a consensus that there was an identified functional need and that accommodation could not be provided in an

existing building. The presence of a manager on site for a poultry unit, available at short notice, was essential to ensure its good management, animal welfare and security. The scale of the particular unit was also noted.

In addition, there were no local objections. Both relevant Parish Councils supported the application. The council had generally supported the provision of such dwellings for poultry units and had also supported their provision for other farming enterprises. The proposed house was not a dwelling in the open countryside but would be a dwelling with an agricultural tie close to the poultry units. It was consistent with policies RA3, RA4, RA6, SS5 and E1.

The local ward member was given the opportunity to close the debate. She reiterated the functional need for accommodation to be provided on site.

The Development Manager commented that each application had to be assessed on its own merits. The Committee was clearly of the view that there was a functional need, the remaining question was whether this could be met by existing accommodation as argued in the report.

Councillor James proposed and Councillor Phillips seconded a motion that the application be approved on the grounds that there was an identified functional need, that accommodation could not be provided in an existing building and the proposal was consistent with Core Strategy policies RA3, RA4, RA6, SS5 and E1. The motion was carried unanimously with 14 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted on the grounds that that there was an identified functional need, that accommodation could not be provided in an existing building and the proposal was consistent with the Core Strategy policies RA3, RA4, RA6, SS5 and E1, and officers named in the Scheme of Delegation to officers authorised to detail the reasons put forward for approval by the committee and attach any conditions considered necessary by officers.

91. 193682 - LAND ADJACENT BRAMPTON ABBOTTS VILLAGE HALL, BRAMPTON ABBOTTS, HEREFORDSHIRE, HR9 7JD

(Variation of condition 2 of 171321/F (proposed residential development of 2 new dwellings). To allow revised drawings, with new access with drives and garages re-positioned at dev 1.)

(Councillor Durkin fulfilled the role of local ward member and accordingly had no vote on this application.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr D Teague, of Brampton Abbots and Foy Parish Council spoke in opposition to the scheme. Mr B Miller-Hall, a local resident, spoke in objection. Mr P Smith, on behalf of the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor Durkin, spoke on the application.

He made the following principal comments:

- The site was within the Wye Valley AONB. It was important that the AONB was protected.

- The Conservation Manager (Ecology) had objected to the proposal commenting that there was no evidence of there being an overriding public interest in allowing the additional loss and impacts on existing hedgerow. He considered the proposal to be contrary to policies SS6, LD1, LD2, LD3 and LD4.
- It was stated that 3m of hedgerow would need to be removed. It was likely that the impact would be more severe. The existing proposal had involved the removal of 20m of hedgerow.
- There had been 36 objections from 24 households.
- The provision of an additional access created additional risk.
- The NDP was at Regulation 16. It attracted limited weight. Policy BAF4 was relevant.
- Weight should be given to the protection of the AONB. The proposal should be refused on the grounds that it was contrary to policies LD1, LD2, LD3 and BAF 4.

The legal adviser commented that references to uplift clauses and financial gain in the context of the proposal were not relevant and could not form part of the Committee's consideration.

In the Committee's discussion of the application the consensus was that there appeared to be no sound reason in support of the application. The proposal would damage more hedgerow. There was local objection to it. It appeared to be of benefit to no one except the developer. The existing access was large and more than adequate.

The Development Manager commented that it was not for the Conservation Manager (Ecology) to judge whether or not there was an overriding public interest in support of the application. The proposal would provide benefit by improving public safety on the footpath. The plans showed that 3m of hedgerow would be removed and the application had to be judged on that basis. There would be new hedgerow planting along the existing boundary with the public footpath, so offsetting the hedgerow loss. He noted the visual and ecological concerns expressed about losing the roadside hedge

The local ward member was given the opportunity to close the debate. He questioned the extent of the effect on the footpath of the existing access. Noting a comment made by the objector during public speaking suggesting that the two houses for which the new access was intended were incorrectly sited he requested that this be reviewed.

Councillor Johnson proposed and Councillor Polly Andrews seconded a motion that the application be refused on the grounds that the existing access was adequate and it was unnecessary to remove additional hedgerow contrary to policies LD1, LD2, LD3 and BAF4. The motion was carried with 12 votes in favour, 2 against and no abstentions.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee on the grounds that the existing access was adequate and it was unnecessary to remove additional hedgerow contrary to policies LD1, LD2, LD3 and BAF4.

92. 184520 - LAND AT GREYFRIARS BRIDGE, HEREFORD

(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.)

The application was withdrawn from the agenda at the applicant's request to allow further negotiations to take place.

93. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.09 pm

Chairperson

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 its 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