

# PLANNING COMMITTEE

5 June 2013

## 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.

**130351/F - ERECTION OF 150 DWELLINGS (MIX OF 1-5 BED), NEW EMPLOYMENT (COMMERCIAL AND LIVE WORK UNITS), COMMUNITY BUILDING, 1.4 HECTARES OF PUBLIC OPEN SPACE, COMMUNITY ORCHARDS AND ALLOTMENTS, PLAY AREAS, CYCLE & FOOTPATHS, BUS STOP & PEDESTRIAN CROSSING. AT LAND SOUTH OF THE B4349 & WEST OF THE C1221, KINGSTONE, HEREFORDSHIRE, HR2 9HP**

**For: Mr Hines per Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD**

### OFFICER COMMENTS

Acceptable amended plans for the two commercial buildings along the frontage have now been received.

The proposed highway works have been independently audited and have been confirmed as acceptable

A revised framework travel has been received setting out more clearly the targets to be achieved

### CHANGE TO RECOMMENDATION

The issues identified in the report have now been addressed and therefore delegated authority is only required to complete the Section 106 Agreement and finalise the planning conditions.

**130940/CD - DEVELOPMENT OF A NEW PRIMARY SCHOOL ON THREE LEVELS, LOCATED ON AN EXISTING PLAYING FIELD FOLLOWED BY THE DEMOLITION OF THE EXISTING INFANTS AND JUNIOR SCHOOLS**

**130983/CD – DEMOLITION OF EXISTING SCHOOL BUILDING, SITE CLEARANCE AND THE DEVELOPMENT OF SCHOOL PLAYING FIELDS AT LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER**

**For: Mr Williams per Mr Philip Parker, Explorer 2, Fleming Way, Crawley, West Sussex RH10 9GT**

#### **ADDITIONAL REPRESENTATIONS**

Welsh Water raises no objection subject to conditions restricting foul and surface water drainage arrangements to the public sewerage system.

#### **CHANGE TO RECOMMENDATION**

Attach standard conditions L02 and L03 in addition to recommended condition 17

**S123592/O - PROPOSED OUTLINE PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF 16 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE INCLUDING ALLTERATIONS ON A438 + DRAINAGE AND LANDSCAPING WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS. AT LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD,**

**For: Mr Wakeley per Mrs Sally Tagg, Normandy House, 305-309 High Street, Cheltenham, Gloucestershire, GL50 3SH**

#### **ADDITIONAL REPRESENTATIONS**

Additional representations have been received from Mr and Mrs Underhill (1 Breinton Lee) and Mr Calvert at 355 Kings Acre Road. These raise the following issues:

Technical issues regarding this application which we believe have not been adequately addressed by the Planning Officer:

1. There are no calculations as to whether or not the culverts (see attached complex plan), assuming they are cleared and repaired (survey shows “clay pipe has multiple displaced joints throughout”), is adequate to dispose of even the existing water flows (excluding that which currently comes into Breinton Lee/Conifer Walk). This question (amongst others) was raised by the Council’s Land Drainage Engineer on 15 April 2013, but has not been answered.

Our engineering son has calculated that a clear 225 mm pipe can handle some 37 litres per second. This is based on a head/height of 30 cm, but which may well be generous and, if less, will reduce flow capacity. Also, it does not take account of two almost right angle corners in the piping, nor total length of some 100 m; again, both factors will reduce flow capacity.

If it is assumed the ditches drain a very modest 10 Ha (25 acres) of fields to the south, 25 mm (one inch) of rain will generate 2.5 million litres (25 litres per square metre). If the ground is already saturated, a realistic discharge of this quantity over 4 hours and 6 hours will involve 173 and 115 litres per second respectively. **This does not include** the 10 litres per second which will be **added** by drainage of the development site itself, nor water flowing off the Kings Acre/Breinton Lee Roads.

Thus, even if cleared, the culvert would seem to be totally inadequate for the existing discharge, never mind any increase; if so, flooding of houses along the Kings Acre Road would continue and indeed be exacerbated if building went ahead. It is surely essential such calculations are undertaken and, if it is shown the culverts need enlarging, this is made a condition at the developer's expense.

2. The drainage Consultants' first report stated "a gravity discharge system, restricted or otherwise, is unlikely to be feasible"; their second report advocates such a system. There is no explanation for this contradiction; additionally, there must be doubt, due to its proposed siting on elevated ground, as to the functionality of Pond A. It is accepted any on site attenuation structures will be very shallow; is such a high maintenance system really workable in the long term? What happens if water inflows into the Ponds faster than the restricted discharge of 5 litres per second?

The Consultants advised 12 May 2013 "The enhanced perimeter ditches can be included within the on-site maintenance regime that will be required for the proposed balancing ponds." How will this be enforced? After all, the adjacent landowners (wife/sister-in-law of applicant) have a track record of delayed (it took some 10 years for the southern ditch to be dug and is not being maintained) and inadequate action to avoid frequent (and continuing) flooding of Breinton Lee and Conifer Walk over the past 13+ years.

Is a Management Company fair and practical for future house owners, some living in affordable housing; particularly bearing in mind their reliance on adjacent landowners/Highway Authority regarding future maintenance of the perimeter ditches and culverts?

3. Removal of half the lay-by will not really help safe egress from Breinton Lee. Adrian Smith, Area Engineer Control (Transportation), on 13 March 2013 considered "it would be beneficial to highway safety if the lay-by was removed to retain an unobstructed visibility splay". Why (para. 6.10) is this seemingly being ignored?

### **Comments from Applicant's agent in response to representations:**

#### **Drainage**

The culvert that runs along the eastern boundary of No. 343 King's Acre Road was constructed to replace the original ditch.

Under the Land Drainage Act 1991, it is the riparian owner's responsibility to ensure that any water draining through their land is allowed to freely pass. This is clearly stated on the Council's own website.

Site investigation work, funded by our Client, found this culvert to be almost totally blocked with silt, indicating that it has received little or no maintenance in recent years. Once cleaned out, again at our Client's expense, the culvert has been found to be in poor condition so as to affect its hydraulic performance.

The Council's website confirms that Amey Herefordshire, together with the Environment Agency and the relevant Internal Drainage Boards should ensure that landowners undertake their responsibilities. As far as we are aware, no such action has been taken in this case.

It should be noted that it cannot be the responsibility of any one developer to solve all the flooding problems in the vicinity of the site, especially when problems are caused by the lack of maintenance on third party land.

In response to issues raised the flood alleviation measures have either already been carried out or are offered as part of the development proposals.

- The cleaning out of the existing surface water drainage system (private culvert and highway drains).
- The re-profiling and extension of the existing drainage ditches.
- The restriction of surface water run-off from the new development to Greenfield equivalent rates with appropriate on site attenuation for the balance of flows up to the 1 in 100 year climate change event.
- The implementation of these measures will provide significant betterment to all local residents in the post development scenario.

In addition to the above, our Client is now prepared to offer the replacement of the deficient 225mm diameter culvert with a new pipe to be laid off-line within Breinton Lee. As this is an outline application, we suggest that the design details can be conditioned with the new pipe offered for adoption.

Also notes:

The client suggests that in terms of Para 6.14 that IE Developments no longer have any such riparian responsibility.

In addition the site map (attached to report) includes the hammerhead which is not included within the site redline

## **Highways**

In relation to the issue of the lay-by, the agreement with the highway authority is that works remove part or all of the lay by would be undertaken in association with the development. We and the highway officer are currently of the view that removal of half of the length of the lay by would increase the unobstructed visibility splay (beneficial in highway safety terms) and at the same time retain a degree of parking for existing users of the lay by.

However the final detail for the works would be agreed with the highway authority post planning at detailed design and at this stage a final decision would be made on the extent of the lay-by to be removed. This decision would be informed by the results of an independent safety audit that would be undertaken at the time.

An addendum report and revised plan in respect of drainage has also been submitted and the revised drainage arrangement, including a new culvert under the adopted highway will be presented to planning committee.

## **OFFICER COMMENTS**

### Queries in respect of drainage

#### *Maintenance and responsibility*

Land owners with a watercourse passing through or adjacent to their land have a responsibility to allow water to freely pass. They are required to maintain the bed and banks of the watercourse, and also the trees and shrubs growing on the banks. They must also clear debris, even if it did not originate from their land. This debris may be natural or man-made, and includes litter and animal carcasses.

Amey Herefordshire together with the Environment Agency and the Internal Drainage Boards in Herefordshire (River Lugg, Lower Wye, and Lower Severn Internal Drainage Boards) ensure landowners undertake this responsibility.(extract from HC website)

### **Use of Management Companies**

The ongoing responsibility for the maintenance of drainage solutions through management companies is not an unusual occurrence on developments where there are drainage or open spaces that require ongoing maintenance and that would not be adopted by the Council. This ensures that these areas are protected in the long term. Future occupiers of these properties would be aware of this upon purchase of the properties and this would form part of the Section 106 Agreement.

### **Change to Heads of Terms:**

Paragraph 1 should have identified Stretton Sugwas and St Francis Xavier Primary Schools as the recipients of contributions.

### **NO CHANGE TO RECOMMENDATION**

**N123065/F - PROPOSED ERECTION OF 8 NO. AFFORDABLE HOUSES WITH ASSOCIATED ACCESS AT LAND ADJOINING PEPPER PLOCK, WEOBLEY, HEREFORDSHIRE**

**For: Markey Builders (Gloucester) Ltd per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT**

### **ADDITIONAL REPRESENTATIONS**

A further letter of comment (via email) has been received from Mrs P Rockett. The letter expresses concerns as to why the houses subject to this application need to be built at Weobley, where residents have indicated they do not want the houses as proposed, whereas the neighbouring village of Dilwyn does want affordable houses. Concerns are also raised that the development as proposed will lead to further development to the rear of the site. The letter also raises concerns that the proposed development will lead to 16 more cars travelling through Weobley, which is already congested during school times. Comments are also made that the site is well used by children playing, dog walking and sheep that graze.

### **OFFICER COMMENTS**

Condition 3 is no longer required based upon the recommendation to secure the completion of S106 Agreement before issuing a Decision Notice

### **CHANGE TO RECOMMENDATION**

Omit Condition 3

**130779/F - PROPOSED REPLACEMENT CORRUGATED GARAGE AND IMPLIMENT STORE WITH TWO BEDROOM SINGLE STOREY DWELLING TO CARE FOR ELDERLY PARENTS. AT LAND AT ORCHARD HOUSE, CREDENHILL, HEREFORDSHIRE,**

**For: Mr Prosser per Mr R Pritchard, The Mill, Kenchester, Hereford, Herefordshire HR4 7QJ**

#### **CHANGE TO RECOMMENDATION**

##### **Additional Informative:**

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.

**131021/F - PROPOSED TEA BAR, EXTENSION TO CLUB ROOM AND REPLACE BOUNDARY FENCING AND DUG-OUTS. AT PEGASUS JUNIORS FOOTBALL CLUB, OLD SCHOOL LANE, HEREFORD, HEREFORDSHIRE, HR1 1EX**

**For: Mr Wells per Mr Chris Wells, Sports Ground And Club Room, Old School Lane, Hereford, Herefordshire, HR1 1EX**

#### **ADDITIONAL REPRESENTATIONS**

Sport England has raised no objection

The applicants have now provided a detailed materials schedule and as such there is no requirement to apply Condition 3

#### **CHANGE TO RECOMMENDATION**

Omit Condition 3