

PLANNING COMMITTEE

Date: 14 May 2014

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

**131529/F - NEW SUSTAINABLE LIVE/WORK DWELLING WITH
ANCILLARY OUTBUILDING AT LAND ADJACENT TO
TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HR6 9AR**

**For: Mr & Mrs Albright per Mr & Mrs B Albright, Black Fox
House, Suckley Lane, Pembridge, Leominster, HR6 9DW**

ADDITIONAL REPRESENTATIONS

Comments have been received from the Council's Emergency Planning Officer following the receipt of the amended Flood Risk Assessment (FRA) and the addendum to it. He has commented that under the new modelled level for a 1:100 year + Climate Change (CC) event, safe access along the (primary) access route may not be able to be maintained in the future and would be considered a Class 1 flood hazard 'Danger to some'. The recommended alternative access route, mentioned on pg.21 of the FRA, will still provide safe accessing in the event of a 1:100year+CC event and this should be established before the property is occupied.

It is recommended that before the property is occupied, a flood management plan should be created detailing the risk to the property from flooding including the risk to access due to CC. A map of both the primary and alternative access routes along with guidelines for the maintenance of 'markers', which would be visible above floodwaters under all flooding conditions' (FRA, p.21) is suggested. This document should be kept with the property and passed on to future occupants.

A further response has also been received from the Environment Agency. They have reiterated the advice given previously. In summary, they express the view that the revised FRA has demonstrated that there is no impact on third parties post development. Floor levels are 600mm above the 1 in 100 plus climate change level. Compensatory storage has been offered to offset the portion of the site within Flood Zone 3 and the Council's Emergency Planners have confirmed they are satisfied with regards to safe access/egress from the site and will comment further on a Flood Management Plan.

One further piece of correspondence has been received from objectors to the proposal and included photographs and a DVD of a recent flood event. These have been returned at the request of the objector but some of the photos submitted are included in the presentation to Planning Committee.

In summary the correspondence highlights that the photos show part of the site previously identified for flood compensation to be in flood. The photos also show a 'dry island' but comments that the flood event in 2014 was not as severe as that in 2007. It also comments that the secondary access was in flood during the 2014 flood event.

OFFICER COMMENTS

The updated FRA and addendum have altered the emphasis of the flood compensation measures proposed, and the reference in paragraph 6.11 to the opening of a previously culverted ditch is superseded. The proposal now includes compensation measures that require ground levels of an area of land within the application site and currently above the flood level to be reduced by 0.15m across an area of 228 square metres, the FRA calculating that this is the area required to accommodate flood water that would be displaced by the development.

CHANGE TO RECOMMENDATION

The requirements for further details of flood compensation measures are covered by condition 12 of the Officer's recommendation to Planning Committee. On the basis of the comments of the Council's Emergency Planning Officer the following additional condition is proposed:

Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority's Emergency Planning Officer. The plan shall include a map of both primary and secondary access routes along with guidelines for the maintenance of markers that should be visible under all flooding conditions. It shall also include details of the permanent retention of the plan at the property and a timetable for its revision. The approved measures shall be retained in perpetuity.

Reason: To minimise flood related danger to people in the flood risk area and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

P133504/F - ERECTION OF 6 NO. BROILER REARING UNITS WITH ASSOCIATED CONTROL ROOMS, FEED BINS AND HARDSTANDINGS AND THE ERECTION OF A STORAGE/BOILER BUILDING AT LAND WEST OF A4110, KNAPTON GREEN, HEREFORDSHIRE, HR4 8EP

For: Mr Verdin per Ian Pick Associates, Llewellyn House, Middle Street, Kilham, Driffield, East Yorkshire YO25 4RL

ADDITIONAL REPRESENTATIONS

Two further letters of objection/comment received from Mr. T. Bromley, outlining concerns about the existing culvert under the A4110 and its capacity to take water and comments that should the application be successful he would expect extensive tree planting as part of a landscaping plan which will also help contain run-off. A further letter has also been received with regards to selected view points and impacts associated with the development of the site.

A letter outlining the merits of the application has been received from the applicant Mr. Verdin. It is understood that a copy of this letter has been sent to all the members of the Planning Committee.

OFFICER COMMENTS

The issues raised by Mr. Bromley are referred to in the report and conditions with regards to landscaping and an integrated drainage scheme for the site are recommended.

NO CHANGE TO RECOMMENDATION

P140290/O - PROPOSED ERECTION OF 2 NO. FOUR BEDROOM HOUSES AND 1 NO. TWO BEDROOM BUNGALOW WITH ASSOCIATED LANDSCAPE WORKS AT LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE, HR4 8AP

For: Mr Millar per RRA Architects Ltd, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

1. ADDITIONAL REPRESENTATIONS

- 1.1 In response to the committee report the applicant's agent has submitted two rebuttal statements seeking to clarify matters in respect of highways and ecology.
- 1.2 Firstly, a statement has been provided from James Johnston Ecology that provides the full email chain between officers and repeats the suggested conditions enclosed with the application that could be imposed should the application be approved. This concludes:

There are consequently no outstanding ecology issues or objections from the Council's Ecologist, and the issues that are raised by Ms K Gibbons at para 1 and 2 of Section 4.2 of the Report to committee have already been resolved through the Conditions suggested by the Council's Ecologist.

It has been agreed with the Council that the requested further information on trees can be provided via an arboricultural assessment, through the suggested Planning Condition, and that this info will be combined by the ecology survey to inform the future orchard protection and enhancement management plan.

The Report to Committee (14/05/14) also mentions on page 4 'for information' a list of the earliest ecology comments upon the planning application, that were made by RW, which were reported to the applicant by letter from the Council on 07/10/13. Those suggested issues were all successfully resolved through the discussions between JJ and RW during October and early November 2013, and via the rebuttal email from JJ dated 22/10/13. That rebuttal email is reproduced here as Appendix 3 'for information'.

- 1.3 Secondly, the applicant's agent has responded to the report and comments are summarised as follows:
- The applicant has confirmed that the Mayers Brown Report that defines the direction of speed is correct.
 - That the report does not accurately assess or reflect the proposed access method and that the access character and technical detail is similar in landscape character and gradient to the adjoining properties, which are elevated along 'The Row' : Bankside, Meadow Bank, Riverdell, Hill Lodge and Maple.
 - The applicant is willing to enter into a suitable condition to sustain and enhance the orchard setting. This would increase the linear length of natural native hedgerow planting and amount of trees planted at the site.

- ‘Sustainable’ housing locations has a degree of subjectivity. The client is of the view that it is more preferable for housing numbers to be achieved in small multiple sites dotted around the villages than the alternative which is considerable infrastructure resources needed to justify a single large volume housing site elsewhere. Consider this site to be sustainable.
- Much of the criticism of the proposal is based on a lack of understanding that the application is for ‘outline’ consent in principle. All matters are reserved and the planning department and planning committee will have ample opportunity to scrutinise the details of design, ecology mitigation, overlooking and materials during a subsequent planning application at a later date.

1.4 A copy of the rebuttal statement (ecology) and letter from the agent are available on the website

1.5 Wellington Parish Council have made the following comments in respect of the additional information provided:

It is the opinion of Wellington Parish Council that the new information provided, results in more questions than answers to previously raised issues from those objecting to the scheme. *YET AGAIN neither the applicants nor the agent was present at the meeting to enable answers to be sought directly.*

We comment as follows:-

004 Rev C proposed site section: we note that the gradients are annotated as ‘target’ only and question why accurate data cannot be provided especially as on site gradients and access levels were raised by Adrian Smith (Transportation) in his comments when this application was first made.

007 Rev – Proposed visibility splays: this drawing indicates increased visibility over those provided previously; however they appear to have been calculated from the centreline of the lane – whilst not expert in technical highways issues, the Parish Council’s understanding is that visibility splays should be calculated from the centreline of the property boundary (in this case the hedgerow) .

003 Rev G proposed masterplan and ‘street scene’: this masterplan is dependent on the acquisition of land from the adjoining property Gelert’s Brow – no evidence has been supplied that agreement to acquire this has been reached in and fact the occupier of that property Mr A Lucas has lodged an objection (29th April) to the application. Surely the application cannot therefore proceed?

We question the veracity of the ‘street scene’ provided and attach a photograph taken of the same ‘view’ – we question what has happened to the bend in the road on the ‘street scene’ which appears to indicate a straight road. We trust that, if the application is still to be considered in light of the underscored comment above, members of Committee will take notice of this!

We ask that these comments be read in conjunction with the Parish Council’s earlier objection to this application and objection to the original application, as many of the comments made remain unaddressed:

- location beyond brow of hill, on a bend in a narrow lane
- land already rejected as unsuitable for development by the SHLAA
- outline only – what and how many will actually be built?
- overbearing in the context of the landscape of the area

- road side facing gardens – surely an imposition on both the potential new residents and the properties opposite
- lack of adequate off-road parking
- Wellington's REAL housing needs as already documented
- outside the settlement boundary
- no overall community support evidenced by attendance at, and comments made at Parish Council meetings, and only two residents writing in support
- no on- or off-site affordable housing contribution or 106 benefit to the community

OFFICER COMMENTS

Officers have considered the additional information received and would take the opportunity to make the following comments:

1. The Council's Ecologist has considered the information provided and reviewed the rebuttal. We can confirm that officers are in agreement that there is potential to resolve the ecological issues but that the information required to form the basis of this has not been provided as part of this application submission.
2. The applicant's agent stresses that this is an outline application only, and that they are seeking to establish whether the principle of development is acceptable in this location. It is acknowledged that the information is indicative only. As the site lies outside of the settlement boundary and has a number of constraints, it is necessary to consider the site having regard to paragraphs 14 and 49 of the National Planning Policy Framework. Even though in outline form, it is necessary to make a judgement, based on the information provided as to whether the proposal is 'sustainable development' and what, if any, impact that development may have. For the reasons outlined in the report, officers are not satisfied that the development of this site could be achieved without a significant impact and that its development would not be compliant with the relevant policies of the Unitary Development Plan and guidance contained within the NPPF.

In the event that Members are minded to grant planning permission it is advised that this should only proceed in the event that officers are satisfied in respect of the provision of the necessary visibility splays and the details of the proposed ecological mitigation. It is considered that the most appropriate mechanism in this case would be to secure this through a Section 106 Agreement.

NO CHANGE TO RECOMMENDATION