

# **PLANNING COMMITTEE**

**Date: 13 March 2019**

## **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

**174681 - PROPOSED RESIDENTIAL DEVELOPMENT FOR SEVEN DWELLINGS AND ACCESSES. AT LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORDSHIRE,**

**For: Mr Lawrence per Mrs Claire Rawlings, 10 The Maltings, Dormington, Hereford, Herefordshire HR1 4FA**

### ADDITIONAL REPRESENTATIONS

A further letter of representation has been received from the Owner of *Armstrong House* which is located opposite the application site and adjoins the agricultural land on the opposite site of Cobhall Lane where the drainage will be directed to.

The representation concerns that of land ownership.

No plan or map has been submitted with the representation to identify the land referred to, only a copy of a hand written letter dated the 12-9-1950 from an *A.W.Laurence*.

The applicant claims that the land known as the 'Cattle track/road' was sold to the man who built his house by the applicant's father (*A.W.Laurence*) in 1950. It is stated that the proposed route of the drainage system runs under Cobhall Lane and crosses his property in order to reach the field, for which his permission has not been sought.

The representation states that on the basis that the drainage system can't be delivered within the applicants land, it is flawed as the occupiers of the proposed dwellings 'will not be capable of rectifying the problems which will result in their effluent ending up in the road and in neighbour's gardens.'

### OFFICER COMMENTS

The plan below shows the drainage scheme overlaid on top of a plan which identifies the extent of the highway (coloured blue). The application site is outlined in red, with the applicants land edged blue. It appears from all the evidence which we have in front of us that the drainage scheme, as designed and set out on the submitted drawing, is within land owned by the applicant.

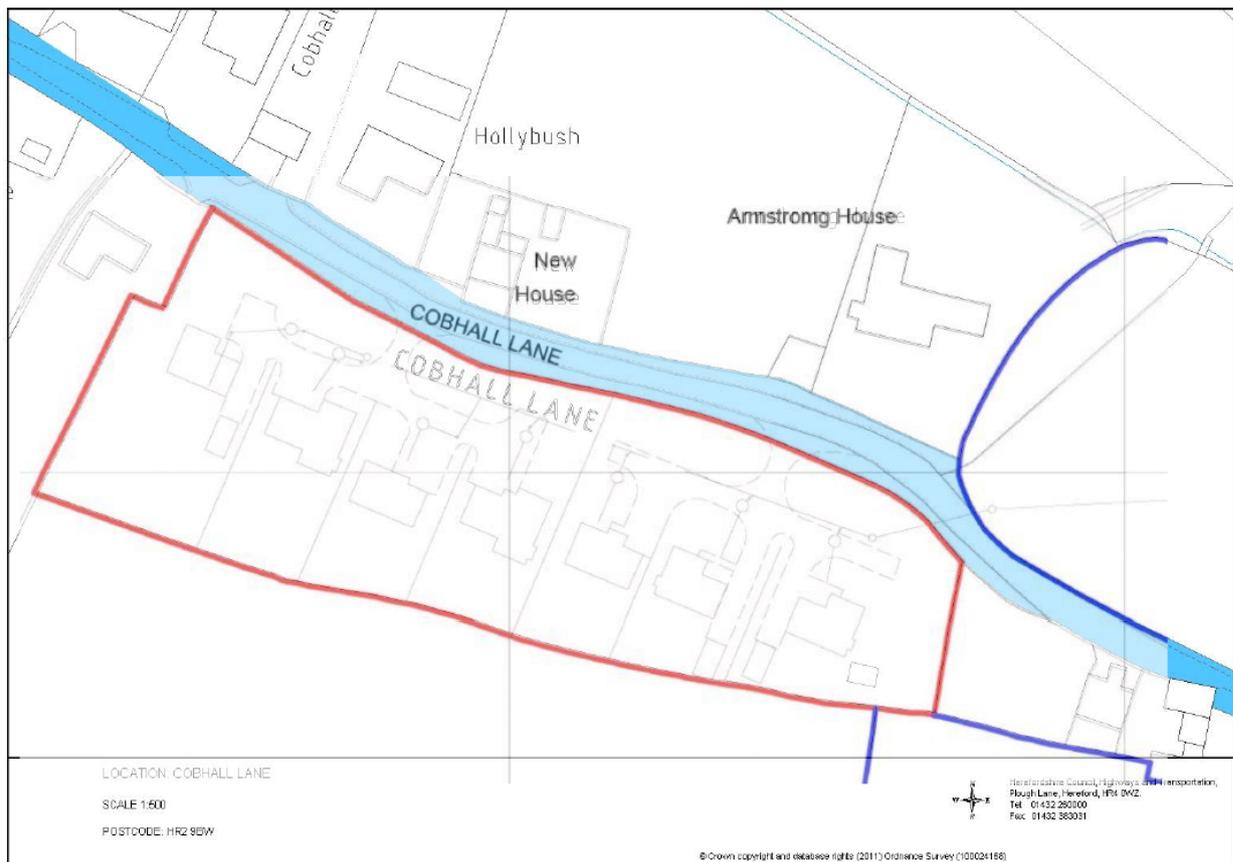
If further incontrovertible evidence were to be presented in due course contesting this conclusion, then this would be a civil matter. For the purpose of determining this application, however, it is the officer advice to Members that they may do so safely on the evidence that has been presented hitherto. All parties are aware of the application and therefore no prejudice arising.

The Council's Land Drainage Consultant, although initially seeking further clarification and raising initial concerns, is now satisfied that sufficient information has been submitted to demonstrate that the drainage scheme can be delivered as laid out on the submitted plans and has raised no further objection.

In a recent appeal decision at Land East of Newcastle Farm in Orcop Hill (Ref: APP/W1850/W/18/3207671) the Inspector identifies that Paragraph 183 of the Framework states that 'the focus of planning policies and decisions should be on whether proposed

development is an acceptable use of land, rather than the control of processes or emissions’.

In the case of this application the proposal is to install individual package treatment plants which are the preferred option of the treatment of foul drainage when a connection to the mains isn’t possible. It is an offence under the 1936 Public Health Act to allow a package treatment plant to cause pollution to the environment and it would be in the occupiers own interest to maintain the system. From all the evidence which has been submitted, Officers are of the opinion that providing the system is installed and maintained correctly then it would not result in a failure or subsequent impact on the surrounding area.



To ensure on-going maintenance and as a precautionary measure, an additional condition is recommended below which relates to a drainage management plan which will not only protect the living conditions of the occupiers of nearby properties but ensure effective drainage facilities are provided.

### CHANGE TO RECOMMENDATION

The following additional condition is recommended:

16. No development shall commence until a drainage construction and management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements have been submitted and approved in writing by the local planning authority. The management plan will set out the responsibilities for the various elements of the drainage systems. The plan shall be implemented as approved.

Reason: In order to ensure effective drainage facilities are provided in accordance with the requirements of Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

**182822 - ERECTION OF 2 DWELLINGS AND ASSOCIATED GARAGING AND REVISED VEHICULAR ACCESS FOR PLANNING APPROVAL 180075/F AT COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ**

**For: Mr Frances per Ms Julie Joseph, Trecorras Farm, Llangarron, Ross On Wye, HR9 6PG**

**ADDITIONAL REPRESENTATIONS**

Garway Parish Council confirmed by email dated 12 March 2019 that they no longer objected to the proposal.

The Council's Neighbourhood Planning Manager provides the additional comments on the proposal:

- a) The Garway Neighbourhood Plan (NDP) has reached draft plan stage under Regulation 14. The consultation was undertaken on 23 January to 6 March 2019
- b) At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore the decision makers are unable to evaluate the extent of any unresolved objections
- c) The Strategic Planning team, as part of the Regulation 14 consultation have confirmed that the plan as currently drafted is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to paragraph 48 of the NPPF, only limited weight can be attributed to the Garway Neighbourhood Plan.

**OFFICER COMMENTS**

The NDP was afforded limited weight through the assessment contained within the officer report and therefore there is no change the recommendation.

**NO CHANGE TO RECOMMENDATION**