

## SCHEDULE OF COMMITTEE UPDATES

**210068 - APPLICATION FOR VARIATION OF CONDITION 2 FOLLOWING GRANT OF PLANNING PERMISSION (174681) - TO SEEK APPROVAL FOR AMENDED HOUSING DESIGNS AT LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORD,**

**For: Mr Griffith per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG**

### ADDITIONAL REPRESENTATIONS

Two addition letters have been received 1 from J Slough and 1 from A Orgill:

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*Dear Mr Gosset,*

*The residents of Cobhall Common were asked to choose between two unworkable, unsustainable drainage plans and they have made it clear that they do not support either system but building work is going ahead anyway.*

*Either one will result in exacerbated flooding of my property and that of my neighbours and infringement of our riparian rights and responsibilities.*

*As advised by our insurers we hereby put Herefordshire Council on notice that they will be held responsible when this happens and we will be seeking recompense from them.*

*Two photographs within this current proposal show that the intention is to send storm water across my property and the field next to it.*

*I would again point out that foul effluent from the site is polluting my well, the council has been aware of this several years and they have now allowed this development to cover it up.*

*I can see no point in attending the Planning Committee meeting on 20 October or viewing the site unless it is postponed by 3 months by which time the flooding situation will become apparent to council members.*

*Yours sincerely,  
John Slough  
Armstrong House*

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*Dear David Gosset, I wondered whether you might now have time to write to explain how things stand with regard to planning ap no 210068 please?*

*I had thought there was to be a final Council meeting concerning this application in mid October and representations re the viability of this plan would be discussed then. As the next door neighbour to this site, I am fully aware that work is going ahead now.*

*Would you be kind enough to tell me whether the whole scheme has been passed now by you personally and if so, are Fairview Homes going ahead with the original drainage scheme and design of house which were in doubt or is there still a possibility of their own proposal of a different and more efficient drainage scheme and design of house, to be decided in a meeting in mid October, at which all parties have an opportunity to speak?*

*I look forward to hearing from you as I am so closely affected by any final decision,*

*Yours, Alex Orgill  
Elm Tree Cottage*

In addition the applicant's agent has submitted further supporting documents and correspondence, some of which were also copied to members of the committee.

<b>Resident Concern</b>	<b>Approved Planning 174681</b>	<b>Proposed Planning Variation 210068</b>
<i>Size of Development</i>	<i>7 Houses</i>	<i>7 Houses</i>
<i>Height of houses</i>	<i>Ridge height</i>	<i>Ridge height reduced on plots 3 &amp; 5 by 200mm, 2 &amp; 4 –by 75mm</i>
<i>Flooding</i>	<p><i>Flash flooding Soakaways to <b>front</b> of houses to cope with 1 in 100 year flood, nearest Cobhall Lane so overflow into the lane.</i></p> <p><i>Tarmac (<b>non permeable</b>) to road, easier to run off.</i></p> <p><i>Hereford stone gravel.</i></p> <p><i>Rainwater harvest on gutters.</i></p> <p><i>Lane Ditch with no culvert, drainage ditch to be infilled!</i></p> <p><i>Ground height 600mm above the road at lowest point nearest Armstrong House, <b>low steady gradient</b> back to the road c. 1:50 gradient.</i></p>	<p><i>Flash Flooding Soakaways to <b>rear</b> of houses (further away from lane) to cope with 1 in 100 year flood + 40% for climate change</i></p> <p><i>Tarmac (<b>permeable</b>) –substructure permeable</i></p> <p><i>Block paving (<b>permeable</b>) – and/gravel substructure</i></p> <p><i>Rainwater harvest on gutters</i></p> <p><i>Lane ditch has a 150mm Culvert to the 2 site entrances, to continue ditch GIP results show water table at 3m and 2m, with good soil permeability.</i></p> <p><i>Ground height 575mm above the road at lowest point nearest Armstrong House, <b>low steady gradient</b> back to the road c. 1:50 gradient.</i></p>

<p><i>Drainage</i></p>	<p><i>7 treatment plants flowing into drainage attenuation ditch with potential raw sewage spill over if a treatment plant fails.</i></p> <p><i>Managed by 3 rd party company, checked quarterly.</i></p> <p><i>60m drainage attenuation ditch, covering 155m<sup>2</sup> , perforated pipework from development to culvert approx. 400m away</i></p>	<p><i>1 treatment plant ( less noise ) into a holding chamber for pumping with dual pumps and an alarm system for failsafe in case plant failure. Managed by 3 rd party company, checked quarterly.</i></p> <p><i>Pumping 150m away from development into 423m<sup>2</sup> of filtration field. Oversized by 173% vs approved design</i></p> <p><i>Drains fields around due to size of filtration field, less water for run off into Cobhall Lane.</i></p> <p><i>Improved vs approved scheme consultant at Balfour Beatty</i></p>
<p><i>Passing place</i></p>	<p><i>Pre occupation condition (12 18 months before complete), no conditions for construction</i></p>	<p><i>Offered to complete within 26wks of application approved, subject to council not delaying process.</i></p>
<p><i>Other key points</i></p>	<p><i>Pre commencement conditions discharged. Work started on site.</i></p>	<p><i>Offered to work with Parish Council and highways to drain Cobhall Lane to culvert, post application.</i></p> <p><i>This combined with the extensive filtration area, would significantly reduce the risk of surface water flooding in the area.</i></p> <p><i>Steady slope less than 1:50 to nearest house on highway from top of driveway (Armstrong House).</i></p> <p><i>Improved aesthetics house design and materials</i></p>

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*Good Morning David,*

*Please see the below from the applicant with regard to proposed condition 8. Having investigated available options for draining the proposed passing bay the applicants understand that BBLP / Highways will not accept a SUDs soak away, and that the only viable option is understood to be the installation of a pipe approximately 270m in length across third party land to the nearest existing watercourse.*

*If such a drain were installed, this would be a significant and costly engineering exercise and it would seem sensible for it to serve not only the small passing bay, but also the much larger affected area of public highway which has been identified by the local member and others.*

*The applicants do not consider it proportionate or fair that they should be made liable for cost of correcting deficient drainage in the existing public highway some distance from the application site, though they have expressed that they would be willing to make a proportionate contribution based on the area of the proposed passing bay they will be creating vs the area of existing public highway to be drained.*

*As such there is significant concern at the wording of proposed condition 8, which it is felt could be interpreted to make the applicants responsible for a much larger engineering exercise connected with rectifying an historic highways issue outside of the remit of the planning application. There is also concern that negotiating such an agreement with the Council could in itself take longer than 6 months.*

*Could the condition perhaps be revised, to remove reference to drainage of the passing bay, or re-worded thus:*

*Within 6 months of this permission, unless otherwise agreed in writing with the Local Planning Authority, the proposed passing place shall be constructed and made available for use, with provision for connection to an associated highway drainage improvement scheme (by the Local Highways Authority), in accordance with technical specification and details (including evidence of an agreement under action 278 of the Highways Act 1980) to be submitted to and approved in writing by the Local Planning Authority.*

*I hope you can appreciate that the applicants to wish to be constructive and helpful, but they are concerned that without such clarification, there is the potential for their contribution to be made disproportionate.*

*Kind Regards,*

*Jim*

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*Dear David,*

*The applicants have asked me to send the below response from CTP drainage following their investigation into the concern raised regarding highway flooding and FFLs.*

*I trust the below is self explanatory, however please let me know if you have any queries or wish to discuss.*

*Kind Regards*

*Jim*

*...*

*Hi Vinnie*

*is understood the LLFA has raised a concern that the lower plots on site may be directly impacted if the public highway becomes flooded as a result of poor maintenance of gullies/highways ditches. We have reviewed the overall site area levels upon completion of additional topo along the public highway and have the following comments/observations:*



**Condition 1:**

- Replace plan reference P001 - Site Location Plan - showing proposed passing bay with reference E001 - Site Location Plan - showing proposed passing bay this was a typographic error on permission 174681 that has been carried over in the Officer's report.

**Condition 8:**

Omit the following 5 words from the condition: "with an associated drainage arrangement". This was not included on permission 174681 and it is no longer considered reasonable to impose given it implies an arrangement for the wider highway drainage issues.

Under a s278 agreement the developer will be required to provide/contribute to a suitable drainage arrangement for the new section of hardstanding created by the passing place.

**Additional condition:** A condition was omitted from the Officers report in regards to the provision of car charging points as set out in paragraphs 6.40 – 6.42 it is considered reasonable to impose despite the application being made under S73. It is recommended that this be appended to any approval as follows:

Prior to the first occupation of any dwelling of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

**Additional condition:** Through further correspondence with drainage engineers and further surveys of the road level as set out in the above correspondence the developer intends to install an earth bund at the front of the site. While a plan has been provided with the relevant details it has not been possible to seek Drainage comments on the matter and it is recommended that an additional condition require the submission of details for review:

Prior to works commencing on the dwellings on Plots 1 and 7, hereby permitted, details of flood prevention methods, to address the risks posed by vehicles moving through floodwater on the highway, shall be submitted to and approved in writing by the Local Planning Authority

Reason: To protect Plots 1 and 7 from flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**CHANGE TO RECOMMENDATION**

Amended and additional conditions as above, recommendation for approval remains.