

Planning application comment was submitted on the **16 April 2025 09:46 AM**

The following is a comment on application **P240240/F** by **Tom Ball**

Nature of feedback: Objecting to the application

Comment: HCC Planning Policy and Approval Processes related to P240240

References: A. Planning, Design and Access Statement (P163068)

B. Site Plan alteration letter dated 8 Feb 2017 (P163068)

C. Delegated Decision Report dated 14 Jan 2020 (P194187)

D. Representation dated 2 Mar 2024 (P240240)

This representation raises issues of HCC planning policy and approval processes concerning P240240 in relation to P163068 and Whitchurch, looking in more depth at subjects already identified in earlier representations. I have already raised some of these points with HCC. The areas covered include:

- Detrimental effects of new applications on existing housing
- Approval process of Great Doward Avenue
- Determining whether local infrastructure is robust enough to support a new applications

Detrimental Effects of P240240 on Existing P163068 Housing

P163068 (now Symonds Yat View) was approved on 20 Mar 2017 as a minor stand-alone development of 9 houses without any long term intention for further development from the northern end of the field. The 4 southern houses of P163068 will be directly impacted by P240240. It is quite clear that in approving this application, HCC accepted:

- a) that entry from Llangrove Road would be limited to Yew Tree Close and Symonds Yat View. Access to the development field would be through Grange Park.
- b) that, when the architectural team designed the development, they did so without any future development restrictions. This allowed the architects to take full advantage of its open aspect position on the edge of a south-facing agricultural field. CollinsDB confirmed to me that this was indeed their understanding and they did not need to consider that this small development would become part of a high density major development in the future. The post and rail fence separating the development from the field is a clear demonstration of their thinking.
- c) that in Ref A para 6.28 "The houses are also all orientated north/south to maximize passive solar gain". To achieve this, 75% of the south facing walls were glazed. To ensure maximum gain, obstructions like trees and buildings that could block sunlight would have to be avoided.
- d) that in Ref A para 6.23 "The designs ... ensure there is no unacceptable overlooking of both existing and proposed neighbouring dwellings. For example, balconies are enclosed on the sides to prevent overlooking of properties below or above and the spacing of properties does not restrict daylight or sunlight for neighbouring houses". They also sited neighbouring houses in a slight semicircle to further protect against overlooking. Taking this much care, it is inconceivable that the architects would not have modified their designs to protect the visibility of occupants if they knew that these houses were to become part of a high density major development.

In summary, HCC approval accepted that P163068 was a stand-alone small development, with an open aspect to an agricultural field, with unimpeded access to the sun all year round and with no unacceptable overlooking. The P240240 site adjoins P163068, lies uphill and has direct sight into the main rooms and bedrooms and completely overlooks the gardens - it would be living in a goldfish bowl. Moreover the height of the houses would impede direct sunlight in mid-winter.

The developer recognised that overlooking was a major issue and, quite cynically, proposed a row of 20-30 metre trees along the southern edge of our properties to solve the problem. Our concern is the casual acceptance of this proposal by the planning department which forced us to argue against it, as we believed in the absence of evidence to the contrary, that it would be accepted as a viable planning solution.

Hence, my concerns:

What is the HCC policy regarding detrimental effects on existing property by new applications?

How much value does HCC place on the critical design features essential to the operation and reasonable quiet enjoyment of existing property when considering new development applications?

Is the planning authority required to assess whether a new application will have a detrimental effect on a previously approved application and factor this into their decision making?

If these are not considered then it raises serious questions about the relevance of the planning process. Certainly P240240 makes little or no attempt to address the above which will seriously degrade the living environment of the P163068 development if it is approved in its current form. The developer only appears to address serious objections when raised in representations: HCC gives no indication of their position on these issues.

Approval Process of New Roads (Great Doward Avenue)

When the public consultation of P240240 started on 1 Feb 2024, the description of its location included 'Great Doward Avenue'. This was the first documentary reference to this road that I have been able to find although road signs and road markings identifying the avenue were erected in 2023. The name is particularly relevant since an avenue is not a cul-de-sac but is generally taken to be a wide street; presumably intended to connect Llangrove Road with Grange Park. I can find no planning approval for the road nor was it identified in formal search requests. It is also on land that, seemingly, is yet to be approved for development.

The history of this road as far as I can see is as follows:

26 Sep 2016 - 20 Mar 2017: P163068 received and approved for development. During the consultation process the planning department considered whether the site should include access directly from Llangrove Road into the development field by the inclusion of a stub road on the site plan. However, prior to approval the department firmly rejected the stub road (Ref B) and presumably accepted that further development would be accessed from Grange Park.

3 Dec 2019 - 14 Jan 2020: P194187 received and approved as a non-material amendment to the P163068 site plan restoring the stub road access from Llangrove Road to the development field. A non-material amendment is a minor change to an existing planning permission but in this case the change was significant as it opened the field to major development with access from both Llangrove Road and Grange Park rather than just Grange Park as previously configured.

The publicly stated reasoning for this amendment is confusing. The delegated decision report (Ref C) states that 'The site benefits from extant outline planning permission' which it references as P163068 - but as noted above, P163068 firmly rejected access from Llangrove Road into the field. No supporting planning permission has been identified to date.

A further confusion is the reference to Cradley (Ref C) which suggests that this report is a mixture of 2 reports.

Late 2023: HCC erected physical road signs, identifying 'Great Doward Avenue' and painted road markings giving priority access to the development field through the P194187 amended stub road.

26 Jan 24 - ongoing: P240240 received and under review: The site plan includes a stub road leading further south into the field. This confirms the intention of the planning department for Great Doward Avenue to connect Llangrove Road to Grange Park - however this application is yet to be approved.

Comment

This raises a number of issues:

Presumably HCC had strong reasons for their late but firm rejection of Llangrove Road access to the development field when P163068 was approved. The 'minor' P194187 amendment appears to be a hasty correction to this decision, with no supporting argument and seemingly without the outline planning permission quoted. The approval appears to have been made in error and should, therefore, be reviewed and rescinded.

Great Doward Avenue has, seemingly, no formal approval and depends on P194187 and P240240 for access: it should be reviewed and withdrawn. However, it would seem clear that this road has been in the planning stage for some time as it naturally follows the road quality footpath constructed with P163068.

How long has this road been planned, and what is HCC's policy and approval process for a new road on land yet to be approved for development?

P163068 was approved as a minor development with no indication to either the developer's architectural team or the public that it was to be extended into a major development. P240240 is a major development of 10 houses which becomes 19 when added to P163068. Great Doward Avenue now appears to confirm that HCC intends a sizable major development of perhaps 40/50 houses and has done so for some time.

What is HCC's long term development plan for this field and when, under HCC policy, should it be made public?

Determination that Local Area Infrastructure is Robust Enough to Support New Building.

The Parish Council (PC), a properly constructed public body, is rightly concerned with the broader affects of planning applications and their likely impacts on Whitchurch village and its community. The long term health of Whitchurch is essential for its successful further development and it is important that its infrastructure is robust enough to support proposed developments. This is, assuredly, a priority for the HCC too.

Prior to, but particularly since, 2016 in response to P163068 and P240240, the PC has clearly identified some of these community concerns but has had no indication that HCC is addressing them. Meanwhile new building applications in Whitchurch and Llangrove continue to be approved unabated. The PC Representations are:

14 October 2016: Ref P163068: The PC had no objections to the application but had continuing concerns "regarding the impact on Whitchurch village from the surface water and effluent discharge from this new development". (These concerns had been raised a number of times in previous years)

14 February 2024: Ref P240240: The PC again identified 2 of their main concerns as surface water drainage issues and sewage flow capacity. They requested that a proper investigation be carried out to establish the needs for present and future usage and for appropriate actions to address these issues be taken before planning

permission was granted and any groundwork started.

16 September 2024: Ref P240240: Referring to the drainage issues caused by damage in the development field, the PC had serious concerns for local residents echoing those of Balfour Beaty (30 August 2024).

Surface water run off has become so serious that the Old Monmouth Road became close to impassable in heavy rain several times last year, 2024. Particular areas include: the village section of Llangrove Road, outside Woods store and along Old Monmouth road where an inadequate culvert is no longer able to contain a stream crossing the road. These problems have been well-documented yet little attempt has been made to provide an effective permanent solution.

Other areas of concern include the adequacy of the sewage system which Welsh Water continues to find satisfactory despite considerable new build in Whitchurch and Llangrove - and despite concerns aired by them some 15 years ago. Additionally, Welsh Water (21 February 2024) identified the current water supply as inadequate to serve P240240 itself and would badly affect Whitchurch residents' and businesses' water supply if not upgraded: the water pressure is already extremely low.

Moving on to the water drainage in the development field: unprecedented new flooding affecting homes (eg. Ref E) sited along and below the eastern edge of the field boundary was caused by the land profile being altered with the dumping of earth removed during P163068 construction. This was further exacerbated when a trench was dug along the length of the field in an attempt to alleviate the run-off. Balfour Beaty, presumably at the request of HCC, conducted a drainage survey and formally objected to the P240240 being approved prior to the damage being fully repaired and approved (13 May 2024). The developer issued a revised drainage report (9 August), but Balfour Beaty dismissed it as speculative and reiterated their previous objection and action required before approval (30 August).

What is HCC policy concerning the affects of new development on infrastructure? What actions have been agreed to repair the field?

Planning Decisions and the Public

The worrying thing about these events is that the public has been kept out of the loop with little opportunity to comment or make informed decisions. My comments are based on available HCC public information which may well be incomplete.

It is reasonable to assume that HCC has had major development planning intentions for this Whitchurch field ever since it was offered in a call for sites, although the pace of development could not, of course, be devined at the time. However, procedural errors have been made and, in the case of P240240, a major development has been foisted on a carefully designed, open aspect, minor development whilst a new road has been put in place, seemingly, without prior approval.

There is an inate secrecy about the application system - allegedly to preserve business confidentiality - which excludes the public from being properly involved in the process whilst the HCC negotiate directly with the developer. Indeed there is a distinct feeling that the public is considered a liability and seen as automatically against all schemes (nimby!). This is not true - and in the case of P240240 an early resolution may have been possible if HCC had brought the developer and the main objectors together.

Please note and address my concerns.

Attachment:

Their contact details are as follows:

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Infrastructure from section 106 to consider: This needs further consideration by the Parish Council

Link ID: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240240

Form reference: FS-Case-706422887