

Planning application comment was submitted on the **27 January 2023 11:12 AM**

The following is a comment on application **P223881/F** by **Debbie Cottam**

**Nature of feedback: Objecting to the application**

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**Comment:** At its meeting on Monday 9 January 2023, Eardisland Parish Council (EPC) resolved to OBJECT to this application. The comments and concerns raised by EPC and the attending parishioners, remain similar to those expressed in our response to the previous application on this site (P214073/F), and are detailed in the attached document.

**Attachment:** sandbox-files://63d3b1186a50c624465896

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Their contact details are as follows:

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**Address:** Eardisland Parish Council

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**Infrastructure from section 106 to consider:** not applicable

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Link ID: [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=223881](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223881)

Form reference: FS-Case-481659598

## Planning Objection by Eardisland Parish Council to P223881/F

Land adjacent to Arrow Lea, Eardisland, HR6 9BU - Proposed 4 No. self-build dwellings with garages.

At its meeting on Monday 9 January 2023, Eardisland Parish Council (EPC) resolved to OBJECT to this application. The comments and concerns raised by EPC and the attending parishioners, remain similar to those expressed in our response to the previous application on this site (P214073/F), but are listed below.

Points are numbered for ease of reading.

### 1. FLOOD RISK

The application site is part of a delicate and complex functional floodplain and serves to reduce flood risk for nearby properties and other areas, by draining and holding water (before and during flood events) and providing dispersal along recognised flow paths. If the site is developed as proposed, this function will be altered and disturbed. The increased hard standings and roof areas will inevitably change the complex balance of the floodplain, specifically during a Flood Event and when the ground is saturated. There are crucial drainage ditches and flow pathways adjacent to and across the site and EPC feel that it is fundamentally important to protect these. The road outside this site is also prone to frequent flooding. In February 2020 twenty-four properties flooded in Eardisland. In February 2022 another significant flood event occurred and again in January 2023 - just days after the EPC meeting to discuss this application. In addition, there have been multiple smaller events when the roads through the village and directly outside this site have flooded to depth, leading to road closures, stranded vehicles, rescue missions and inaccessibility. EPC do not feel it is sensible to add to the increasing risk and danger on a site that is vulnerable to flooding and surface water issues - for either current or future residents, nor emergency vehicles and persons. We note that the developed areas of the 4 unit proposal are similar to the 6 units refused, and so does not represent an improved scenario in terms of flooding, other than potentially less residents to rescue. EPC are sadly not convinced that a multi-unit development on this site can alleviate or avoid current and future flood risks.

EPC were also concerned by the references to the Eardisland Flood Response Group within the supporting documentation. To clarify - The EFRG are volunteers funded by the PC in order to provide very basic advice, protection and support for existing residents and businesses facing the current level of flood risk. EFRG are not a formal flood safety group and cannot provide any official help or assistance or form part of an 'emergency plan' for new dwellings.

#### SEQUENTIAL TEST

EPC are unsure if a Sequential Test has been undertaken, but our local understanding would suggest that there are other sites at lesser, or no, risk of flooding which would provide better locations for housing. Eardisland has already delivered several housing sites without flood risk and have extant approvals for sites with lesser flood risk and better emergency access.

We have also prepared and adopted an NDP that uniquely and categorically enables and supports development on sites that do not have a risk of flooding.

These are the sites that should be considered for development, and only then if they also meet all policies in the Eardisland Neighbourhood Development Plan (ENDP), Herefordshire's Local Plan Core Strategy (HLPCS) and National Planning Policy Framework (NPPF).

EPC are concerned that the proposed site meets neither the expectations of a Sequential Test, nor offers any wider sustainability benefit that will outweigh the risk of flooding as required by an Exemption Test. We do not feel that the proposed development can demonstrate it will be safe for its lifetime without increasing risk elsewhere or reducing flood risk overall.

### 2. EMERGENCY EGRESS

EPC consider that safe access and egress from the site in the occurrence of a flood event has not been sufficiently addressed. Flood risk is not merely about risk to inhabitants of the proposed development, but also the increased risk from that development on existing properties, as noted in the NPPF, HLPCS and ENDP. In addition, any proposed development should not lead to increased risk to the Emergency Services when required to rescue or otherwise assist when water levels are of unknown and dangerous depth, outside or even within the site.

### 3. DOCUMENTATION

The current proposal has resubmitted the 'Planning Design and Access Statement' (dated 11th October 2021) for 6 dwellings, an application which was refused by the Planning Committee on 30<sup>th</sup> September 2022. The current application – for 4 dwellings – is not supported by a Planning Design and Access Statement, and the agent has instead submitted an Addendum to the Planning Design and Access Statement (dated 16<sup>th</sup> November 2022).

EPC have assumed we are to read both documents in conjunction with each other and as a result there is confusion about which documents we are being asked to assess. The information in the Planning Design and Access Statement for the previous refused application is not relevant to the current proposal. EPC consider this unacceptable and [REDACTED] confusing. Many of the other supporting documents appear to be the documents previously submitted. EPC consider that a new Planning Design and Access Statement, at least, should be submitted with the current application for 4 houses.

We are also concerned by the comments within the submitted documents and wish to clarify some points: Item 1.2. of the Addendum to Planning Design and Access Statement reads *"The PC have also said the site is suitable for development"*. This is incorrect. EPC have consistently objected to applications and amendments for this site. At no point has the EPC said that this site is suitable for development as we can only comment on the specific proposals before us at the time.

This does not mean EPC have an objection to housing development in the parish overall, and our response to P214073/F (following a meeting of 21 July 2022, Item 6) states "EPC is not completely against development in the parish per se".

EPC believe each application should be policy compliant across all policies, and that reducing the number of dwellings from 6 to 4 (and so under the threshold of the ENDP limit of one policy) does not make the proposal compliant with all other policies.

### 4. DRAINAGE

#### FOUL

Herefordshire's Land Drainage Team have previously stated in relation to this site that the proposed pump systems are 'not preferable for foul water drainage due to possibility of failure resulting in foul water flooding', increasing the risk of sewage contamination both on the site and the adjacent road (C1035). Indeed, the flooding in February 2022 was accompanied by a power cut.

EPC echo the concerns of the Land Drainage team and repeat our concerns regarding the proposed shared drainage mound and pumping system, which appear complicated and seem to be planned across various plots that will be in different ownership. Herefordshire Council Land Drainage Response states that: 'This foul water drainage arrangement layout is unacceptable as all foul water drainage infrastructure should be located on land that has been kept as communal ground. Access would be required to both features by the maintenance contractor at all times, in this case it would appear necessary for the maintenance contractor to cross a private garden.'

EPC cannot support the proposed Foul Drainage arrangements unless it is certain sewage can be handled safely during the lifetime of the proposal. As the site is now for Self and Custom Build we would expect conditions to secure how any shared infrastructure will be managed and maintained in perpetuity.

#### PHOSPHATES

EPC would like confirmation that an independent Phosphate Assessment of the site has established that the proposal is Nutrient Neutral (by virtue of meeting the Natural England criteria based test, or through access to mitigation credits endorsed by Herefordshire Council). This is important as the site is close to the River Arrow which is within the polluted and protected catchment, and within close proximity to other septic tanks as well as a high water table and flood risk area. Without further information regarding the phosphate impact of the development and how this will be managed by the applicant it is very difficult to know if the Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) would be impacted.

EPC do however appreciate that applicants have very few ways to access phosphate credits and mitigation and that this is a complicated ecological matter that the applicant has little control over as it is managed by Herefordshire Council and as such the moratorium is hard to resolve.

#### STORM WATER

We are unsure if the current proposal includes a satisfactory solution for storm water and will defer to Local Authority and Agencies, but would ask that the comments of the land drainage engineer and any suggested

conditions are referred back to the EPC and suggest that percolation tests are carried out during wet conditions across the site to be sure there is capacity for this many dwellings and shared solutions.

## 5. DESIGN & HERITAGE

EPC and parishioners share the planning committee's previous concerns regarding the design, density, massing, scale and layout of the proposal. It is felt that the current proposal would still urbanise the rural setting of Eardisland village, be out of keeping with the established settlement pattern and therefore be detrimental to local landscape character, especially in such a prominent location with a distinct and established definition between settlement and open countryside.

This is contrary to Policies SS6, SD1, LD1 and RA2 of the HLPSC, Policies E1, E3 and E9 of the ENDP 2016, and the NPPF.

EPC have concerns regard the quality and appropriateness of the house and garage designs submitted and have previously expressed disappointment that bespoke house designs have not been put forward for such a prominent and sensitive location.

EPC would like to ask that any internal Conservation or Heritage responses be considered with weight and detailing be amended and conditioned appropriately should the proposal be otherwise acceptable.

It is unclear if supporting Heritage Assessment (HA) has been used to inform or improve the current design (rather than the previous scheme, simply reduced in number) or utilised to address the many Conservation and Design concerns from the previous refused application.

The applicants HA says:

'It is acknowledged that scope exists to reorientate some of the units to achieve a form more akin to a farmstead with ancillary structures and so avoid the criticism of the cul-de-sac character.' This suggested amendment appears not to have been undertaken.

EPC also notes that the required heights of finished floor levels have been increased in order to prevent water ingress into the properties. However, no drawings have been submitted to show the visual impact of the raised levels. Without revised drawings, EPC has not been able to ascertain how the proposed change would further impact the protected views in ENDP E1(h)/Appendix 6. It is likely that the final ridge height of the proposed houses would not be in keeping with neighbouring properties and would dominate the setting.

### MASSING & DENSITY

Although the proposal has been reduced from 6 to 4 units it is disappointing that it is the smaller homes that have been removed. The scale, mass and density of the development is largely unchanged, the terrace of 3 cottages has been replaced by a large single dwelling and large outbuilding with two hard standings (front and rear) and two entrance points for one plot. EPC do not consider this to be an improvement of massing and density.

None of the other houses in this location on this side of the road have parking or hard standings on the road side, in front of the house, and so this specific feature would be incongruous. And overall, the mass is too urban and stands to undermine amenity of neighbours and the approach to the Conservation Area.

### LAYOUT

It is the EPC's opinion that the three properties at right angles to the C1035 would not serve to enhance Eardisland's protected views but instead would significantly negatively impact ENDP Appendix 6 View 1 and the Conservation Area by virtue of creating an urbanised 'street' – completely out of character for the area which is characterised by single dwellings in large deep plots. Back land development at right angles to the road is not found in this location.

View 1 was selected for its important and distinctive open agricultural landscape on both sides of the road and it provides a precursory view of the village ahead that has remained unchanged for hundreds of years and is a crucial part of the village approach and the context for the Conservation Area. EPC cannot support the erosion of this setting and the loss of a defined change between countryside and settlement.

Therefore, the application does not conform with the ENDP and the development would detract from the established settlement pattern.

## 6. PV SOLAR, EV CHARGING, and AIR SOURCE HEAT PUMPS

The Planning Design and Access Statement states that "Solar Panels and Air Source heat pumps will be considered in the design". Neither of these are shown in the drawings submitted. EPC would also expect EV charging points to be shown on drawings.

7. BIODIVERSITY

As noted in the EPC's response to P214073/F, pre-application activity on the site, including removal of a large mature Oak, has reduced biodiversity and damaged the site. It is EPC's view that development should conserve, restore and enhance biodiversity rather than degrade or eradicate, and we are disappointed that there is not greater biodiversity and ecological repair planned, not least to compensate for the damage done and the lost ecology, as well as to mitigate the proposed development.

8. ACCESSIBILITY

Site access and egress is on to a 60mph road. It would appear that the only method of providing adequate visibility here would be to remove sections of the neighbour's hedge. This could mean that the proposal does not conform with ENDP policy E1. EPC would like clarity that permission has been sought and secured from these landowners and compensatory work is agreed for the loss of habitat (see 7 above).

EPC are concerned that vehicles moving in and out of the site will create a hazard given the speed of vehicles. EPC note that the Transport Assessment recommended extending the 30MPH zone beyond the development area in order to make the development safe. EPC are keen to know if this is something that can be secured should the development be otherwise acceptable and would ask that they are involved in any road design or designation change.

9. CONNECTIVITY

There is currently no safe route for pedestrians to access the village and village facilities. Part of the road that would need to be navigated by pedestrians is 60MPH and the remaining part does not have a footpath. This is a concern, especially for the elderly, infirm or those with pushchairs as it would be unsafe.

There are important drainage ditches by the development which are often carrying water (and cannot be infilled) and so the only option would be walking in the road. We do not have street lights to make this safer. The agent has submitted photos of the road narrowing lines nearer the centre of the village, but we are not sure why – however we would like to state that the white lines were introduced to narrow the perception of the road width to slow vehicles down as a result of villagers concerns around speed and they do not constitute pedestrian routes or safe passage. They are also not continuous from the proposed site to the village.

10. SUMMARY

EPC have discussed the application in detail and consider that the reasons for refusal of planning application P214073/F still stand in relation to P223881/F in addition to our points above. EPC believe that the current proposal has not fully addressed the issues identified for the previous refusal, and that the observations and recommendation of the planning officer and planning committee remain relevant to this application.

The proposal is not compliant with various policies and objectives in the ENDP, CS, or NPPF.