

From: Banks, Andrew
Sent: 28 July 2016 10:41
To: 'John Needham' <johnneedham@btconnect.com>
Subject: RE: Planning application 162261 - Land off Ashfield Way, Bromyard

John,

My problem is that I've now dealt with three or four applications from you and they have all been the same – lacking basic information to allow us to make an informed judgement. It doesn't reflect on the application very well if we go out to consultation with great chunks of information missing and simply invites a negative response from consultees. If you understand the need for the information to be submitted – you acknowledge the fact that local authorities find themselves in front of the Ombudsman for making ill informed decisions – then why on earth have you submitted an application that was only partially complete?

I had hoped that following on from the application in Orleton you would have appreciated the need to submit all of the requisite information up front. You've always received a good and fair service from me. I've been flexible at times and have given you the opportunity to submit additional information when it has been required, but that has to be reciprocated.

I note your reference to the appeal at Yarpole. I've read the Inspector's decision with respect to the award of costs and it seems to me that his view was that the local planning authority had received the information necessary to determine the application. The issue seems more to be that it wasn't properly assessed and therefore it acted unreasonably in refusing the application on grounds relating to a lack of information. The point here is that the information simply hasn't been submitted. I did refuse an application in Kingsland on a similar basis (150995/O) and I note that an appeal was not lodged following that decision.

I will put the site notices up either today or tomorrow. I am on leave for two weeks but when I return I will expect to find that I have received all of the information that has been requested otherwise I will determine the application as it has been submitted. Assuming that all of the information is submitted I will need to re-consult and re-advertise the application. Clearly this has the potential to delay the determination of the application and I would be grateful if you could draw this to your clients attention.

I look forward to receiving all of the information requested by 15th August.

Regards

Andrew

Andrew Banks
Principal Planning Officer
Herefordshire Council

Tel: 01432 383085 (direct)
Email: abanks@herefordshire.gov.uk

From: John Needham [<mailto:johnneedham@btconnect.com>]

Sent: 28 July 2016 09:22

To: Banks, Andrew <ABanks@herefordshire.gov.uk>

Subject: RE: Planning application 162261 - Land off Ashfield Way, Bromyard

Dear Andrew

I have to say I am disappointed by your response, if only because I dealt with any additional information you requested on the Orleton application and we took that through to a successful conclusion without any problems.

I appreciate things have changed and twenty years ago you and I would simply have met on site and dismissed (a) and (b) as satisfactory. Unfortunately, if you did that today you would end up in front of the Ombudsman. I have to admit that when I see the pressures you are put under by local Councillors and the Parish Councils I would not wish to change sides.

I have no wish to waste the Council's resources but with respect, I would point out that I must have had a dozen applications in recently with Herefordshire Council and only one has been dealt with in two days under six months and some are now over twelve months since submission and I am even being asked for further information after six months.

I am reluctant any longer to get involved in Pre-app advice. When I did for the site in Leominster, which was registered on 14th March, the pre-app advice was dated 17th July. It is taking Herefordshire Council 3 months to do Pre-app advice on a single dwelling.

My understanding is that in the General Management Procedure Order article 5(2) permits the following for applications for outline permission:

"Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require."

This was made clear recently in an appeal decision I had against Herefordshire Council in Yarpole and there the Council's actions were not found acceptable by the Inspector who awarded costs against the Council.

You accepted a dropbox report for the LVIA on the Orleton application but it will only take me days to have a hard copy of the Landscape Visual Impact Assessment & Tree Survey to be sent to you.

John Morgan has inspected the site but thought it beneficial to reference his report to the numbering on the tree survey and has emailed me to say that he will try to have the report finished by Friday afternoon.

I cannot see that it is going to take more than 2 to 3 weeks to get the reports for (a) and (b). The Council are of today only scanning applications received up to 4th July so it will be another two and a half weeks before they get this application on the website.

I have already asked for the reports requested for (a) and (b) to be prepared and clearly we must be given time for these to be prepared.

I trust that this will be now acceptable.

Regards
John

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From: Banks, Andrew [<mailto:ABanks@herefordshire.gov.uk>]
Sent: 27 July 2016 17:01
To: John Needham <johnneedham@btconnect.com>
Subject: RE: Planning application 162261 - Land off Ashfield Way, Bromyard

Dear John,

I have responded to each of the points below. For ease, my comments are in red.

At this stage I remain reluctant to expend Council resources on an application that is at best, partially complete, and I would reiterate my request that the application is withdrawn pending the completion of all of the survey work.

Regards

Andrew

Andrew Banks
Principal Planning Officer
Herefordshire Council

Tel: 01432 383085 (direct)
Email: abanks@herefordshire.gov.uk

From: John Needham [<mailto:johnneedham@btconnect.com>]
Sent: 25 July 2016 13:17
To: Banks, Andrew <ABanks@herefordshire.gov.uk>
Subject: RE: Planning application 162261 - Land off Ashfield Way, Bromyard

Dear Andrew

Thank you for your email.

- a. If I have to I will get Hydrologic to produce a letter saying that if this site floods then the world will be coming to an end. I was hoping that commonsense would prevail and this would not be necessary.
As I am sure you are aware developments of over 1 hectare should always be supported by a Flood Risk Assessment. I would draw your attention to the Government's guidance on the matter – Flood Risk Assessment for Planning Applications – for further advice.
- b. The access off the Hereford Road is exceptional and was designed for further development of this site and the position for access to the field was left undeveloped. It will be the safest access in Bromyard. Highways made a good job of the original access and should be capable of assessing the new access without having a report to tell them so.
Your planning application must be able to demonstrate through a technical appraisal that the local highway network is capable of accommodating the traffic movements associated with the development. It is not sufficient to pre-suppose that the junction of Ashfield Way and Hereford Road is 'exceptional' or that it was designed for further development.
- c. The drop box link to a visual impact assessment was sent with the application. It is <https://www.dropbox.com/sh/45x3o95o26dxtmg/AAAP3lWT8LtAZsu27bKKcqDta?dl=0>
For the avoidance of doubt it was also given in the Design & Access Statement. It is pages long with attachments & refers to trails and suchlike.
The Council does not accept submissions via Dropbox links as they are not secure. All documents should either be submitted on disc or as pdf attachments to an email.
- d. Arboricultural Assessment. This has been carried out and all the trees are detailed and numbered. I re-designed the road around two oak trees instead of between them and all the amendments were made and included with the application and are in the dropbox link above.
Noted. The same applies as point c above
- e. I have spoken to Dan Rudge of Bea Landscape who says Little Froome Farm is dealt with in the Assessment but Birchyfield is the other side of the Garage and cannot be seen from the site.
The effect on the setting of listed building should be properly dealt with in a Heritage Statement and not within a LVIA. Whilst I appreciate that Birchyfield might be some distance from the application site and may ultimately not be affected by the development, there should be an assessment of this and a conclusion drawn.
- f. I have asked John Morgan of Shropshire Wildlife Surveys to produce an Ecology Report. He has visited the site and I hope to have his report to you very shortly. I expected to have this before it was validated which has been several weeks in the past.

I am disappointed that you have chosen to submit an application prior to the completion of all of the survey work, which you have clearly identified as being necessary. Notwithstanding, the Council has been pro-active in prioritising the validation of major applications for some time. The late submission of documents will mean that the application will have to be re-advertised and this in turn will invariably delay its determination.

- g. I have had an email from Yvonne Coleman dated 12th July 2016 saying she is preparing a Heads of Terms. As soon as I receive it I will send it on to James Felton to prepare a draft Section 106 Agreement.

Noted

I was going to send the Parish Council a set of drawings but rushing to get the amendments done and the application in before I went away I did not get round to it.

I find speaking to Parish Councils just an opportunity for individuals to throw flack at the job. All the information is now on the website and they are all more than capable of reading it and commenting.

I am very happy to meet the local Councillor and three or four people from the Parish Council on site and explain the proposals.

I am afraid that your comments rather miss the point of community engagement. The Government are keen for developers to be pro-active in their discussions with local communities. I am sure that there will often be resistance towards new development from the public, but the purpose of such engagement is for legitimate points / concerns to be addressed at an early stage, rather than reacting to objections with amendments to a scheme.

I also note that you chose not to take the opportunity to seek pre-application advice. Again, the Government actively encourages this approach (paragraphs 188 to 195 of the NPPF are particularly pertinent) and it is disappointing that you did not seek advice prior to submission.

I spoke to Kevin Singleton because I thought the Council were doing a development plan for Bromyard but he tells me that Bromyard has now decided to do a Neighbourhood Plan which is only in its infancy.

You are correct that the Bromyard Neighbourhood Plan is still in its early stages but I fail to see what relevance this has to the lack of information as far as the application is concerned.

Regards
John

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From: Banks, Andrew [<mailto:ABanks@herefordshire.gov.uk>]
Sent: 22 July 2016 15:13
To: John Needham <johnneedham@btconnect.com>
Subject: Planning application 162261 - Land off Ashfield Way, Bromyard

Dear John,

Please find attached correspondence relating to the application described above. I have also attached a copy of the appeal decision that it refers to for your information.

I look forward to hearing from you shortly.

Regards

Andrew

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