

MINUTES OF THE EXTRAORDINARY MEETING | 20th August 2024.

Present: Cllr John Hull (Chair), Cllr Emil Morfett, Cllr Liz Morawiecka, Cllr Tracey Prosser and Cllr Lorraine Lewis.

Officers present: Lisa Law, Clerk.

Nineteen members of the public were in attendance, and Cllr Davies from Herefordshire Council.

24.53 Apologies for absence.

To receive apologies for absence. Apologies for absence received from Cllr Morris. **Noted.**

24.54 Declarations of interest and written requests for dispensation.

Members are invited to declare disclosable pecuniary interests (DPI) and any other registerable interests in items on the agenda. Requests for dispensation must be in writing to the Clerk as soon as possible before the meeting. There were no declarations of interest registered or written requests for dispensation received. **None received.**

24.55 Planning. For members to consider the following planning applications to be decided by Herefordshire Council. Planning re-consultation 222769 Land to the south west of Breinton Lee, Swainshill, Herefordshire. HR4 OSW. Proposed 45 dwellings (including affordable housing), garages, access, landscape and associated works.

Cllr Hull opened the discussion and stated that he had reviewed the new documents, namely the Sequential Test Report, the amended Flood Risk Assessment and other recent comments added to the application.

The council would be placing another objection to the planning application further to the two objections already submitted.

Cllr Hull then opened the meeting to members of the public for comments. Several members of the public spoke about the issues with the planning application which are listed below:

- **The Sequential Test Report**

Members of the public raised concerns over the Sequential Test Report and that the search area should have not been restricted to the Parish of Breinton. There is a superior site that was rejected previously for reasons that are no longer valid and was not considered. The

correspondence between the authors of the sequential testing report and Herefordshire Council, the Local Planning Authority (LPA). Why did LPA say that the testing area could be minimised into such a small area where national guidelines state it should be considered within the entire area of the local planning authority, which in this case would be the entire county of Herefordshire? Cllr Hull had reviewed planning applications that the parish had since 2011 that had been approved against the requirements of Breinton's NDP, which was an 18% growth based on 400 hundred houses which equates to 72 houses. Current approved housing was 53 which leaves 19 properties as part of the NDP requirement for Breinton up until 2031. In the Sequential testing report it had a number of 29. Two approved applications seemingly ignored. This will be challenged when the Parish Council submits its comments. The new Government has increased the housing allocation to Herefordshire Council by 55% and under the last Rural Areas Settlement Hierarchy 2022, Breinton Parish was not mentioned. Cllr Hull commented that he agreed with the member of the public on their comments regarding the CRE06 planning application and its suitability for development given the change in the speeding limit.

- Concern about the **infiltration basin** and its location at the bottom of the hill with many oak trees present that it may not be fit for purpose, filled with silt, leaves and run off from flooding on the Kings Acre Road, with flood water orange in colour indicating it is coming off the land.
- **Flooding.** Residents are worried about gardens being flooded and encroaching into properties on the Kings Acre Road. Residents are experiencing issues with flooding and sewerage backing up already that are not being addressed regardless of this planning application. There is anecdotal and photographic evidence of flooding in the area in previously submitted comments. Cllr Matthews had previously submitted photographs to the LPA to highlight the flooding. It was agreed that the council would attach the photographs that had been distributed by residents at the meeting to the minutes. (See attached). The development of 10 houses in a neighbouring plot was given on appeal in 2014. Flooding in the area has become worse since then. If the proposed development does get permission, then it will be built considerably higher than neighbouring properties so where will all the

run off from that development go? The solicitors acting for the developers of the 10 houses have had no contact regarding the use of their ditch for surface water from the proposed development, which they object to. Members of the public stated that the applicant of the development has made no attempt to converse with local residents. Members of the public argued that data from other sources, ie education, NHS are out of date.

- **Drainage**

Members of the public and the Parish Council agreed that there were issues with drainage in the parish and that brown surface water was blocking drains due to the silt. Cllr Morawiecka stated that farming practices in recent years had changed significantly and soil erosion is silting up a lot of the ditches and drainage networks. Most of the land is farmed under contract and instead of contour ploughing creating small dams to hold back water, current ploughing is funnelling rainwater down onto the roads. This needs to be highlighted and this is exacerbating the situation. Inches of soil can be washed off and into the drainage network. Land predominantly is arable land. Breinton Parish Council want a full hydrological survey of the Breinton ridge line south of the Kings Acre Road. Cllr Hull questioned the timing and position of the percolation tests and that the location of the pits were unsuitable to get a true readings considering the complex hydrology at Breinton.

- **Accountability**

Members of the public raised the issue of accountability regarding the planning application. If the planning application was not scrutinised correctly by the local planning authority and planning granted, who would be liable if they had an issue of flooding with their property, who would they pursue to rectify the flooding? If the planning application was granted it will come down to accountability. The land that will be developed will not be adopted by the local authority it will go to a private maintenance company. Residents stated that they would consider legal action collectively should they feel the need arises.

- **Transport and access onto Kings Acre Road.**

TPO 673, a lime tree at the entrance to the development is near the exiting ditch outfall. There were concerns raised over potential damage, or even death of the tree from water, either from waterlogging and or soil erosion of tree roots or the risk of the tree from falling.

Pavement around base of tree can be shallower than the national standard and agreed as an exception between the LPA and the developer.

Members of the public raised concerns over cars having to mount the pavement to pass HGV's, pictures were circulated and over the model of the refuse lorry and an SUV car used in reports. Members of the public questioned the southern end of Breinton Lee access for farm vehicles out under the tree, with the TPO, without damaging the tree? The junction of Breinton Lee and the Kings Acre Road adjacent to the junction with the garden centre and to turn right onto Kings Acre Road can take 10-15 minutes to exit. It is a dangerous junction and would only be exacerbated with further vehicles from the proposed development.

There are 120 car parking spaces in proposed application, 2-3 cars pre dwelling, adding 20-30 minimum extra vehicle movements at peak times, without taking into consideration extra movements from delivery, service, emergency or farming vehicles. Test of traffic in and out of the area (manual classified count), most current residents are retirees so may choose not to go out at peak times so could be argued as flawed. Traffic data used in report bares no reflection on the current traffic flows on the Kings Acre Road. Speed of the traffic at the junction is also a concern. It is a very busy road at certain times of the day residents cannot hear each other talk. There is also no consideration for pedestrians or cyclists as per LTN120.

It was **approved** that the Council will be asking for the application:

- A) to go to Planning and Regulatory committee at Herefordshire Council and
- B) a site visit to the proposed application.
- C) the council would be placing another objection to the planning application further to the two objections already submitted.

The election for a new ward councillor is on the 26th September. If the committee meeting was to be held before then Cllr Davies would act as Ward Councillor.

Cllr Hull thanked the members of the public for attending and the meeting was concluded at 8.30pm.

Attached are some of the photographs distributed by residents at the meeting.



Flooding S.L.G. & B. Lee
2020



B. Lee Rd

flooding development land —



Development Land.

Brenton Lee Rd



T & P. Prusser's Garden. 2020





flooding 5 L.G. 2019 (26 October)



flooding S.L.G., Breinton Lee, development
land FEB 2020







